



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Frederick Davis
DOCKET NO.: 20-00201.001-R-1
PARCEL NO.: 03-28-202-009

The parties of record before the Property Tax Appeal Board are Frederick Davis, the appellant, by attorney Robert Rosenfeld, of Robert H. Rosenfeld and Associates, LLC in Chicago; and the Lake County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **A Reduction** in the assessment of the property as established by the **Lake** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$34,961
IMPR.: \$161,968
TOTAL: \$196,929

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Lake County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2020 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a two-story dwelling of brick exterior construction with 4,718 square feet of living area. The dwelling was constructed in 2005 and is approximately 15 years old. Features of the home include a basement, central air conditioning, a fireplace, and a 1,198 square foot garage. The property has a 54,450 square foot site and is located in Wadsworth, Newport Township, Lake County.

The appellant contends assessment inequity with respect to the improvement assessment as the basis of the appeal. In support of this argument the appellant submitted information on four equity comparables. The comparables are located from 0.09 to 0.35 of a mile from the subject property and within the same assessment neighborhood code as the subject. The parcels range in size from 29,795 to 73,668 square feet of land area and are improved with two-story homes of brick or wood siding exterior construction ranging in size from 4,254 to 4,855 square feet of

living area. The dwellings range in age from 18 to 21 years old. Each home has a basement, central air conditioning, two or four fireplaces, and a garage ranging in size from 748 to 1,102 square feet of building area. The comparables have improvement assessments ranging from \$144,258 to \$163,636 or from \$33.17 to \$34.43 per square foot of living area.

The Board takes judicial notice that this property was the subject matter of an appeal before the Property Tax Appeal Board the prior year under Docket Number 19-07798.001-R-1 where the appellant was the same and the property was reported to be owner-occupied. In this appeal, the board of review supplied a copy of the subject's property record card indicating the property has received a general homestead exemption. In the 2019 appeal, the Property Tax Appeal Board issued a decision lowering the assessment of the subject property to \$189,118 based on the evidence submitted by the parties.

Based on the evidence in the 2020 tax year, the appellant requested a reduction in the subject's improvement assessment to \$159,586 or \$33.83 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$211,319. The subject property has an improvement assessment of \$176,358 or \$37.38 per square foot of living area.

Also, as part of the "Board of Review Notes on Appeal," the board of review reported that 2019 was the first year of the general assessment cycle for the subject property and that for tax year 2020 an equalization factor of 1.0413 was applied to non-farm properties in Newport Township.

In support of its contention of the correct assessment the board of review submitted information on five equity comparables. The comparables are located from 0.27 to 0.48 of a mile from the subject property and within the same assessment neighborhood code as the subject. The comparables are improved with two-story homes of brick, wood siding, or stone and wood siding exterior construction ranging in size from 4,141 to 5,173 square feet of living area. The dwellings were built from 2001 to 2005. Each home has a basement, central air conditioning, one to three fireplaces, and a garage ranging in size from 803 to 1,475 square feet of building area. Comparable #4 has an inground swimming pool. The comparables have improvement assessments ranging from \$160,605 to \$188,899 or from \$36.52 to \$38.78 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellant contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b).

The Board finds, pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) a reduction in the subject's assessment is warranted. In pertinent part, section 16-185 of the Property Tax Code provides:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

The Board finds that the subject property was the subject matter of an appeal before the Property Tax Appeal Board for the 2019 tax year under Docket No. 19-07798.001-R-1 in which a decision was issued based upon the evidence presented by the parties reducing the subject's assessment to \$189,118. Taking into account both the 2019 filing and the 2020 property record card, the record indicates that the subject property is an owner-occupied dwelling. The Board also finds that the 2019 to 2020 tax years are within the same general assessment period and an equalization factor of 1.0413 was applied in Newport Township in 2020. Furthermore, the decision of the Property Tax Appeal Board for the 2019 tax year has not yet been reversed or modified upon review and there was no evidence the subject property recently sold as of the January 1, 2020 assessment date in order to establish a different fair cash value. Therefore, applying section 16-185 of the Property Tax Code would result in a reduced total assessment of \$196,929, which is less than the 2020 assessment of the subject property of \$211,319.

Additionally, notwithstanding the dictates of Section 16-185, the Board further finds that the parties submitted a total of nine equity comparables for the Board's consideration. The Board gives less weight to the board of review's comparable #4 due to its inground swimming pool which is not a feature of the subject.

The Board finds the best evidence of assessment equity to be the appellant's comparables and the board of review's comparables #1, #2, #3, and #5, which are relatively similar to the subject in dwelling size, age, location, and most features. These comparables have improvement assessments that range from \$144,258 to \$188,899 or from \$33.17 to \$38.78 per square foot of living area. After considering the reduction applied pursuant to Section 16-185, the subject's improvement assessment for the 2020 tax year is \$161,968 or \$34.33 per square foot of living area, which is within the range of the best comparables in terms of both total improvement assessment and on a per square foot basis. The Board finds on this record that the comparables demonstrate the subject property, once reduced as an owner-occupied property, is correctly valued for assessment purposes.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



Member



Member



Member

DISSENTING: _____

CERTIFICATION

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date:

May 17, 2022



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year or years of the same general assessment period, as provided in Sections 9-125 through 9-225, are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for such subsequent year or years directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.

PARTIES OF RECORD

AGENCY

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