



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

APPELLANT: Ed Tuohy
DOCKET NO.: 20-00459.001-R-1
PARCEL NO.: 06-28-137-009

The parties of record before the Property Tax Appeal Board are Ed Tuohy, the appellant, by attorney Gregory Riggs, of Tax Appeals Lake County in Lake Zurich; 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: \$9,455
IMPR.: \$9,876
TOTAL: \$19,331

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 one-story dwelling of vinyl siding exterior construction with 864 square feet of living area. The dwelling was constructed in 1963. Features of the home include a crawl space foundation, central air conditioning and a 440 square foot garage. The property has a 10,450 square foot site and is located in Round Lake Park, Avon Township, Lake County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on March 5, 2020 for a price of \$58,000. The appellant completed Section IV – Recent Sale Data disclosing the transaction was not between family members or related corporations, that the subject was sold at auction due to a foreclosure action and had an online marketing period of six month. The appellant

submitted information from an online website, IllinoisForeclosureList.com, which disclosed the transaction as a Sheriff's sale.

In further support of the overvaluation argument the appellant submitted information on four comparables located within 0.51 of a mile from the subject property. The comparables have sites that range in size from 4,360 to 8,660 square feet of land area and are improved with one-story dwellings of wood or vinyl siding exterior construction that range in size from 864 to 984 square feet of living area. The homes were built from 1947 to 1964 with the oldest comparable having an effective year built of 1976. Each comparable has a crawl space foundation and a garage ranging in size from 252 to 675 square feet of building area. Two comparable have central air conditioning. The properties sold from May 2018 to March 2020 for prices ranging from \$39,000 to \$70,000 or from \$39.63 to \$81.02 per square foot of living area, land included. Based on this evidence, the appellant requested the subject's assessment be reduced to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$35,639 which reflects a market value of \$107,056 or \$123.91 per square foot of living area, land included, when using the 2020 three-year average median level of assessment for Lake County of 33.29% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on five comparables located within 0.44 of a mile from the subject property. The comparables have sites that range in size from 4,420 to 12,750 square feet of land area and are improved with one-story dwellings of vinyl or wood siding exterior construction that range in size from 768 to 960 square feet of living area. The homes were built from 1948 to 1967 with comparable #2 having an effective year built of 1980. Three comparables have a basement with finished area and two comparables have a crawl space foundation. Three comparables have central air conditioning and four comparables each have a garage ranging in size from 440 to 720 square feet of building area. The properties sold from March 2019 to May 2020 for prices ranging from \$115,000 to \$158,590 or from \$144.68 to \$169.43 per square foot of living area, land included. Based on this evidence, the board of review requested the subject's assessment be confirmed.

Conclusion of Law

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the purchase of the subject property in March 2020 for a price of \$58,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold at auction and had been advertised on the internet for a period of six months. The appellant submitted a copy of the internet auction information to document the subject's sale. In further

support of the overvaluation argument the appellant submitted information on four comparable sales. The Board finds the board of review did not present any evidence challenging the arm's length nature of the transaction and that its comparable sales evidence does not overcome the recent sale evidence of the subject property. The Board finds the purchase price is below the market value reflected by the assessment. Based on this record the Board finds the subject property had a market value of \$58,000 as of January 1, 2020. Since market value has been determined the 2020 three-year average median level of assessment for Lake County of 33.29% shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

The Illinois Supreme Court has held that a contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway co. of Chicago, 37 Ill.2d 158 (1967)

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:

October 18, 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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