



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

APPELLANT: Steven & Lynne Klein
DOCKET NO.: 20-00700.001-R-1
PARCEL NO.: 07-18-407-002

The parties of record before the Property Tax Appeal Board are Steven & Lynne Klein, the appellants, 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: \$17,334
IMPR.: \$76,666
TOTAL: \$94,000

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 wood siding exterior construction with 2,411 square feet of living area. The dwelling was constructed in 1996 and is approximately 24 years old. Features of the home include an unfinished full basement, central air conditioning, a fireplace and a 420 square foot garage. The property has an approximately 11,330 square foot site and is located in Gurnee, Warren Township, Lake County.

The appellants contend both overvaluation of the property and lack of assessment equity concerning the improvement as the bases of this appeal. In support of these arguments, the appellants submitted information on four comparable properties, three of which have sales data and each of which includes improvement assessment data.

The four comparables are located in the same assessment neighborhood code as is assigned to the subject property and from .33 to .59 of a mile from the subject. The parcels range in size

from 8,230 to 9,150 square feet of land area and are each improved with a two-story dwelling of wood siding exterior construction. The homes range in age from 22 to 26 years old and range in size from 2,492 to 2,583 square feet of living area. Each dwelling has a basement, two of which have finished area. Features include central air conditioning, a fireplace and a garage ranging in size from 441 to 552 square feet of building area. Comparables #2, #3 and #4 sold from November 2018 to January 2020 for prices ranging from \$274,000 to \$286,000 or from \$106.08 to \$111.76 per square foot of living area, including land. The four comparables have improvement assessments ranging from \$76,108 to \$99,087 or from \$29.46 to \$39.54 per square foot of living area.¹

Included in the appellants' submission were copies of underlying property record cards and print outs from the Lake County website. The documentation depicts that comparables #1 and #2 were appealed for tax year 2019, the beginning of the general assessment cycle. Each of those parcels obtained reductions for their 2019 assessments, which as owner-occupied property would be subject only to equalization for the remainder of the general assessment cycle.

Based on the foregoing evidence, the appellants requested a reduced total assessment of \$89,664 which would reflect a market value of approximately \$269,019 or \$111.58 per square foot of living area, including land, when applying the statutory level of assessment of 33.33%. The appellants requested a reduced improvement assessment of \$72,330 or \$30.00 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 \$101,264. The subject's assessment reflects a market value of \$304,187 or \$126.17 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. The subject has an improvement assessment of \$83,930 or \$34.81 per square foot of living area.

In support of its contention of the correct assessment, the board of review submitted two grid analyses with information on a total of ten comparables with both sales and assessment data; for ease of reference, the second page of comparables have been renumbered by the Board as comparables #6 through #10. Board of review comparable #2 is the same property as appellants' comparable #4. The comparables are located in the same assessment neighborhood code as is assigned to the subject property and from .04 to .71 of a mile from the subject. The parcels range in size from 6,100 to 12,770 square feet of land area and are each improved with a two-story dwelling of wood siding exterior construction. The homes range in age from 22 to 25 years old and range in size from 2,008 to 2,559 square feet of living area. Each dwelling has a basement, two of which have finished area. Features include central air conditioning and a garage ranging in size from 420 to 552 square feet of building area. Nine of the comparables each have a fireplace. The comparables sold from May 2019 to November 2020 for prices ranging from \$281,000 to \$325,000 or from \$111.76 to \$142.93 per square foot of living area, including land. These comparables have improvement assessments ranging from \$76,606 to \$97,464 or from \$34.91 to \$40.42 per square foot of living area.

¹ The Board finds there was a mathematical error in the per square foot improvement assessment reported by the appellants for comparable #3.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellants contend that the comparables presented by the appellant are more relevant in concluding an estimated market value for the subject of \$270,000. The appellants further note that data used in arriving at the subject's 2020 assessment was to be sales that occurred from 2017 – 2019, however, in response to this appeal, the board of review has supplied a majority of sales that occurred from August 2020 to November 2020, outside the timeframe for developing the assessment for the 2020 tax year. Furthermore, the appellants assert "several" comparables have finished basements, better lot locations, either not on a main thoroughfare thru the subdivision or a golf course lot, a larger garage, etc.

Specifically, the appellants noted that board of review comparable #2/appellants' comparable #4 and board of review comparable #9 are larger dwellings than the subject. Based on data found on the internet, the appellants assert that contrary to the information reported by the board of review, comparables #4, #6 through #8 and #10, each have finished basements. Also, seven of the comparables have larger garages than the subject. Finally, based on the previously set forth premise that sales data should not include sales that occurred in 2020, the appellants contend that board of review comparable sales #1, #3, #5 through #8 and #10 should not be considered as they sold after the 2017 – 2019 timeframe.

Finally, the appellants reiterated that their comparable #3, while a golf course lot, with a finished basement and larger garage, further supports the appellants' contention that a valuation of the subject closer to \$111.00 per square foot of living area, including land, would be appropriate.

Conclusion of Law

The appellants contend in part that 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. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2d 1256 (2nd Dist. 2000); National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002); 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) [Emphasis added]. Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)).

Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Illinois Supreme Court has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970).

The Board finds that the appellants have erroneously argued that given the mass appraisal system utilized by the assessing officials to calculate the subject's 2020 assessment based upon sales

occurring from 2017 – 2019 as required by law (35 ILCS 200/1-55), any sales that occurred in 2020 should not be considered. The Board finds that the market value data should depict sales that occurred most proximate in time to the assessment date, in this case, both before and after January 1, 2020 and of properties that are most similar to the subject in location, age, size, design, characteristics and other features. Furthermore, the Property Tax Appeal Board finds that the assessment officials are statutorily bound to determine a given property's fair cash value as near as practicable as of the date of January 1 of a given assessment year. Additionally, Illinois courts recognized that assessing officials are not barred, as a matter of law, from considering events which occurred after the lien date in assessing properties² and subsequent events assessing officials may consider in any individual case will depend on the nature of the event and the weight to be given the event will depend upon its reliability in tending to show value as of January 1. (See Application of Rosewell, 120 Ill.App.3d 369 (1st Dist. 1983)). In light of the foregoing principles and case law to weigh the substantive evidence of market value, the Board has given no weight to the appellants' objections to the presentation of sales data that occurred after January 1, 2020. The Board finds that this argument by the appellants is misplaced as under the assessment/valuation appeal process, the Property Tax Appeal Board is charged with making its determination based ". . . upon equity and the weight of evidence . . ." considering the best, most relevant comparable data in determining the correct assessment of the subject property in light of the evidence contained within the record presented by both parties whether on market value or assessment equity grounds (35 ILCS 200/16-185).

Given the foregoing burden of proof and standards, the Board finds the appellants met this burden of proof and a reduction in the subject's assessment is warranted on grounds of overvaluation.

The parties submitted a total of twelve comparable sales, with one sale common to both parties, to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellants' comparable sale #2 and board of review comparable sales #1, #3, #5, #6, #7, and #8 as these sales occurred least proximate in time to the lien date at issue of January 1, 2020.

On this record, the Board finds the best evidence of market value to be appellants' comparable sales #3 and #4 along with board of review comparable sales #2, #4, #9 and #10, which includes the parties' common comparable. These five most similar comparables present varying degrees of similarity to the subject in age, dwelling size, finished basement and/or garage size. These comparables sold from May 2019 to January 2020 for prices ranging from \$280,000 to \$307,500 or from \$111.73 to \$126.50 per square foot of living area, including land. The subject's assessment reflects a market value of \$304,187 or \$126.17 per square foot of living area, including land, which is on the high-end of the range established by the best comparable sales in this record despite that the subject has an unfinished basement, unlike two of these sales, and has a smaller garage than all but one of the best comparable sales. Based on this evidence and after

² In order to develop an assessment reflective of one-third of the fair cash value of property, assessing officials are directed to base the assessment upon the sales ratio studies of the Illinois Department of Revenue for the three most recent years preceding the assessment year, adjusted to take into account any changes in assessment levels implemented since the data for the studies were collected. (35 ILCS 200/1-55).

considering appropriate adjustments for differences when compared to the subject, the Board finds a reduction in the subject's assessment on market value grounds is justified.

Alternatively, the taxpayers contend assessment inequity as a 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). After an analysis of the assessment data and considering the reduction in assessment for overvaluation, the Board finds that the subject property is now equitably assessed and no further reduction in the subject's assessment is warranted on grounds of lack of assessment equity.

In conclusion, the Board finds that the subject property was overvalued and a reduction in the assessment on that basis is warranted; after the change in assessment due to overvaluation, no further change based on lack of assessment equity is warranted on this record.

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:

August 23, 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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