



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

APPELLANT: Sunita Upadhyaya
DOCKET NO.: 20-00939.001-R-1
PARCEL NO.: 13-15-202-002

The parties of record before the Property Tax Appeal Board are Sunita Upadhyaya, the appellant, by Jessica Hill-Magiera, Attorney at Law 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: \$44,089
IMPR.: \$192,308
TOTAL: \$236,397

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 frame and brick exterior construction with 4,574 square feet of living area. The dwelling was constructed in 2001. Features of the home include a full basement with 1,786 square feet of finished area, central air conditioning, three fireplaces and a 722 square foot garage.¹ The property has a 66,211 square foot site and is located in Lake Barrington, Cuba Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on five comparable sales that are located in the same assessment neighborhood as the subject and from .08 of a mile to 1.66 miles from the subject property. The comparables have sites that range in size from 42,214 to 91,912 square feet of land area that are improved with two-story dwellings of stucco, brick or wood siding exterior construction ranging

¹ The board of review reported that the subject dwelling has 1,786 square feet of basement finished area, which was not reported by the appellant and not refuted in the appellant's rebuttal evidence.

in size from 4,154 to 5,013 square feet of living area. The dwellings were built from 1994 to 2000. The appellant reported that each comparable has an unfinished basement, central air conditioning, one to three fireplaces and a garage ranging in size from 774 to 905 square feet of building area. The comparables sold from December 2019 to August 2020 for prices ranging from \$470,000 to \$735,000 or from \$100.61 to \$150.46 per square foot of living area, including land. Based on this evidence, the appellant requested a total assessment reduction to \$223,522 which would reflect a market value of \$670,633 or \$146.62 per square foot of living area, including land, when using the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$249,244. The subject's assessment reflects a market value of \$748,705 or \$163.69 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 through the township assessor submitted information on four comparable sales that are located in the same assessment neighborhood as the subject and from .22 to .89 of a mile from the subject property. Board of review comparable #1 is the same property as the appellant's comparable #3.² The comparables have sites that range in size from 66,647 to 78,033 square feet of land area that are improved with two-story dwellings of brick and frame exterior construction ranging in size from 4,216 to 5,025 square feet of living area. The dwellings were built in 2000 or 2001. The comparables each have a basement with finished area, three of which are walk-outs. Each comparable has central air conditioning, one to three fireplaces and a garage ranging in size from 720 to 905 square feet of building area. The comparables sold from March 2018 to November 2019 for prices ranging from \$600,000 to \$775,000 or from \$133.33 to \$180.91 per square foot of living area, including land.

With respect to the appellant's comparables, the assessor argued that the comparables include a foreclosure and a special warranty deed sale.

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

In written rebuttal, counsel for the appellant contended as to the comparable sales presented by the board of review, comparable sale #1 is a duplicate of the appellant's comparable #3; comparable #2 is a remote sale, outlier; and comparables #3 and #4 are remote sales. In a rebuttal grid analysis, counsel asserted that the appellant's comparables #1 and #3 are the two best comparable sales in the record and contended the subject's assessment should be reduced.

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

² The board of review reported that its comparable #1/appellant's comparable #3 has 1,500 square feet of finished basement area, which was not reported by the appellant and was not refuted in the appellant's rebuttal evidence.

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 a reduction in the subject's assessment is warranted based upon the evidence in the record.

The record contains a total of eight suggested comparable sales for the Board's consideration, as one sale was common to both parties. The Board has given less weight to the appellant's comparables #1, #2, #4 and #5 due to their unfinished basements in contrast to the subject's basement that has 1,786 square feet of finished area and/or their distant locations from the subject being more than one mile away. The Board has given reduced weight to board of review comparables #2, #3 and #4 due to their sales occurring from 16 months to 21 months prior to the assessment date at issue and thus, less likely to be indicative of the subject's market value as of January 1, 2020.

The Board finds on this limited record that the best evidence of market value is the appellant's comparable sale #3/board of review comparable sale #1. The Board finds this comparable sold proximate in time to the assessment date at issue and is similar to the subject in location, design, age and most features. However, the Board finds the comparable dwelling is somewhat larger in size when compared to the subject dwelling. This comparable sold in December 2019 for a price of \$735,000 or \$146.62 per square foot of living area, including land. The subject's assessment reflects a market value of \$748,705 or \$163.69 per square foot of living area, including land, which is greater than the most similar comparable sale in the record both in terms of overall market value and on a price per square foot basis. After considering adjustments to the comparable for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is excessive. Therefore, based on this record, the Board finds a reduction in the subject's assessment is justified.

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: September 20, 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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Sunita Upadhyaya, by attorney:
Jessica Hill-Magiera
Attorney at Law
790 Harvest Drive
Lake Zurich, IL 60047

COUNTY

Lake County Board of Review
Lake County Courthouse
18 North County Street, 7th Floor
Waukegan, IL 60085