



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

APPELLANT: Mark Toth
DOCKET NO.: 20-04938.001-R-1
PARCEL NO.: 11-08-311-007

The parties of record before the Property Tax Appeal Board are Mark Toth, the appellant, by attorney Ronald Kingsley, of Lake County Real Estate Tax Appeal, LLC in Lake Forest; and the Lake County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **No Change** 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: \$71,039
IMPR.: \$188,650
TOTAL: \$259,689

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 2-story dwelling of wood siding and brick exterior construction with 3,693 square feet of living area. The dwelling was built in 1994. Features of the home include an unfinished full basement, central air conditioning, one fireplace, and a 780 square foot attached garage. The property has an approximately 19,984 square foot site and is located in Libertyville, Libertyville 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 with the same assessment neighborhood code as the subject property and located within 0.40 of a mile from the subject and. The comparables have sites ranging in size from 14,911 to 21,791 square feet of land area and are improved with 2-story dwellings of brick, frame, or frame and brick exterior construction that range in size from 3,295 to 3,996 square feet of living area. The dwellings were built from

1993 to 2003. Each comparable has an unfinished basement, central air conditioning, one or two fireplaces, and a 634 to 825 square foot attached garage. The comparables sold from July 2019 to July 2020 for prices ranging from \$685,000 to \$765,000 or from \$191.44 to \$207.89 per square foot of living area, land included. The appellant's counsel requested that the subject's current assessment be reduced "to be in line with the median of all recent like-kind sales in the neighborhood." Based on this evidence and argument, the appellant requested the subject's total assessment be reduced to \$252,330 which would reflect a market value of \$757,066 or \$205.00 per square foot of living area, land included, at 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 \$259,689. The subject's assessment reflects a market value of \$780,081 or \$211.23 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 a grid analysis containing information on four comparable sales with the same assessment neighborhood code as the subject property and located within 0.27 of a mile from the subject. The comparables have sites ranging in size from 17,050 to 30,300 square feet of land area and are improved with 2-story dwellings of brick or wood siding exterior construction that range in size from 3,698 to 4,395 square feet of living area. The dwellings were built from 1992 to 2002. Each comparable has an unfinished basement, central air conditioning, one or two fireplaces, and a 747 to 1,004 square foot attached garage. The comparables sold from June 2019 to August 2020 for prices ranging from \$785,000 to \$985,000 or from \$212.28 to \$224.12 per square foot of living area, land included. Based on this evidence, the board of review requested the assessment be sustained.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

Initially, as to the counsel's request for the subject property to be assessed closer to the median assessment of the best comparables in the record, the decision of the Property Tax Appeal Board must be based upon equity and the weight of evidence, not upon a simplistic statistical formula of using the median sale price per square foot of living area, including land, of those comparables determined to be most similar to the subject. (35 ILCS 200/16-185; Chrysler Corp. v. Property Tax Appeal Board, 69 Ill.App.3d 207 (2nd Dist. 1979). Based upon this legal principle, there is no indication that a median sale price is the fundamental or primary means to determine market value.

The Board finds the parties submitted a total of nine comparable sales for the Board's consideration. The Board gives less weight to board of review comparables #2 and #4 due to differences from the subject in dwelling size and/or lot size.

The Board finds the best evidence of market value to be the parties' remaining comparables which are overall more similar to the subject in location, design, age, dwelling and lot sizes, and most features. These comparables sold from June 2019 to July 2020 for prices ranging from \$685,000 to \$828,000 or from \$191.44 to \$221.75 per square foot of living area, land included. The subject's assessment reflects a market value of \$780,081 or \$211.23 per square foot of living area, land included, which is well within the range established by the best comparable sales in this record. Based on the record and after considering adjustments to the best comparables for differences from the subject, the Board finds that the assessment of the subject property as established by the board of review is supported and no reduction is warranted.

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: March 21, 2023



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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