



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

APPELLANT: Homeworth Investors, LLC
DOCKET NO.: 20-09403.001-R-1
PARCEL NO.: 08-21-304-001

The parties of record before the Property Tax Appeal Board are Homeworth Investors, LLC, the appellant, by attorney Abby L. Strauss, of Schiller Law P.C. 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 **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: \$11,570
IMPR.: \$64,853
TOTAL: \$76,423

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a final administrative decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) 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 improved with a 1-story ranch-style dwelling and a 2-story 2-unit apartment building, both of frame exterior construction with a combined 4,438 square feet of building area. The buildings were constructed in 1901 and are approximately 118 years old. The property has a 13,440 square foot site and is located in Waukegan, Waukegan Township, Lake County.

The appellant's appeal is based on a contention of law. The appellant disclosed the subject was the subject matter of an appeal before the Board the prior tax year as Docket No. 19-09140, in which the Board issued a decision reducing the subject's assessment to \$58,327. The appellant disclosed in the appeal petition that the subject is not an owner-occupied residence.

In a brief, the appellant contended the subject's assessment for the 2020 tax year should be carried forward to the 2021 tax year and that 2019 and 2020 are within the same general

assessment cycle. The appellant asserted that the subject “consists of a single-family residence.” The appellant presented a copy of an appraisal submitted in the prior tax year appeal that describes the subject as being improved with both a 1-story dwelling and a 2-story apartment building. Based on this evidence, the appellant requested a reduction in the subject’s assessment to \$58,327.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$76,423. The subject's assessment reflects a market value of \$229,567 or \$51.73 per square foot of building 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 brief arguing the subject property is not entitled to a rollover pursuant to Section 16-185 as requested by the appellant because the subject is not an owner-occupied residence. The board of review further contended the appraisal submitted in the 2019 tax year appeal contains errors in the description of the subject improvements and inconsistent adjustments.

The board of review also submitted information on five comparable sales with varying degrees of similarity to the subject in building size, age, location, site size, and features that sold from March 2018 to December 2020 for prices ranging from \$160,000 to \$196,000 or from \$62.36 to \$125.00 per square foot of building area, including land. Based on this evidence, the board of review requested the subject’s assessment be sustained.

In written rebuttal, the appellant reiterated the request for a rollover.

Conclusion of Law

Section 16-180 of the Property Tax Code provides in relevant part as follows: “Each appeal shall be limited to the grounds listed in the petition filed with the Property Tax Appeal Board”. 35 ILCS 200/16-180. The sole basis for the appeal indicated by the appellant is a contention of law asserting that the subject’s assessment as established by the Board for the 2019 tax year should be carried forward to the 2020 tax year pursuant to section 16-185 of the Property Tax Code. (35 ILCS 200/16-185). When a contention of law is raised the burden of proof is a preponderance of the evidence. (See 5 ILCS 100/10-15). After considering the entire record and arguments, the Board finds the appellant did not meet this burden of proof for a contention of law and no reduction in the subject's assessment is warranted based upon Section 16-185.

Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) states in part:

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 one of the key elements for the "rollover" provision to be applied is that the subject property must be owner-occupied for the tax year at issue. The appellant indicated in the appeal petition that the subject is not an owner-occupied residence. Furthermore, the appellant presented a copy of an appraisal that describes the subject's improvements as a 1-story home and a 2-story apartment building contrary to the appellant's assertion in the brief that the subject "consists of a single-family residence." Thus, the Board finds the subject property is not an owner-occupied residence and no reduction in the subject's assessment is justified under Section 16-185.

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 15, 2024



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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COUNTY

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