



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

APPELLANT: Charles Buckles
DOCKET NO.: 21-01852.001-R-1
PARCEL NO.: 05-09-302-022

The parties of record before the Property Tax Appeal Board are Charles Buckles, the appellant; 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: \$14,222
IMPR.: \$29,778
TOTAL: \$44,000

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 2021 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 1-story dwelling of wood siding exterior construction with 1,455 square feet of living area. The dwelling was constructed in 1948. Features of the home include a crawl space foundation and central air conditioning. The property has an approximately 6,699 square foot site and is located in Fox Lake, Grant Township, Lake County.

Charles Buckles appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument the appellant submitted two appraisals of the subject property.

The first appraisal was prepared by Steven S. Rabin, a State Certified Residential Appraiser who was not present at the hearing. The purpose of the appraisal was to estimate the market value of the subject property as of November 11, 2021. The appraiser described the subject site as having a lake view with no lake access. The appraiser noted the subject was in a state of disrepair.

There was evidence of past water leaks from the roof with no updates, remodeling, or maintenance done to the subject property. The appraiser provided interior and exterior photographs of the subject property to support this assertion. The appraiser also noted the subject has no driveway.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value utilizing three comparable sales located within .38 of a mile from the subject property. The comparables have sites ranging in size from 4,500 to 7,131 square feet of land area and are improved with ranch style dwellings ranging in size from 1,141 to 1,560 square feet of living area. The dwellings are 73 or 85 years old. One comparable has central air conditioning and two comparables each have a 2-car garage. Comparable #2 has a water view like the subject. The comparables sold in November 2020 or June 2021 for prices ranging from \$85,000 to \$129,900 or from \$71.15 to \$104.00 per square foot of living area, including land. Adjustments were applied to the comparables for differences from the subject in site size, view, condition, gross living area and other features. After considering adjustments to the comparables for differences when compared to the subject, the appraiser arrived at an estimated market value of \$110,000 or \$164.22 per square foot of living area, including land. However, in reconciliation the appraiser stated sole emphasis was given to the sales comparison approach to value and indicated a market value of \$114,000 for the subject property.

The second appraisal was prepared by Roger Potokar, a State Certified Residential Appraiser. Mr. Potokar was present at the hearing. The purpose of the appraisal was to estimate the market value of the subject property as of November 29, 2021. The appraiser described the subject as being in average condition and the kitchen and baths are over 30 years old. The appraiser provided interior and exterior photographs of the subject property. The appraiser noted the subject property has an effective age of 40 years and has a six-car driveway.

In estimating the market value of the subject property, the appraiser developed the sales comparison and cost approaches to value. Under the cost approach, the appraiser estimated the subject property had a site value of \$40,000. The appraiser estimated the building improvements had a replacement cost new of \$156,775. Using an economic life of 70 years and an effective age of 40 resulting in a remaining economic life of 30 years, the appraiser calculated physical depreciation to be \$50,000. Adding the \$40,000 site value, \$10,000 site improvements value and the \$106,775 depreciated improvement value, the appraiser arrived at an estimated value under the cost approach of \$156,800.

Under the sales comparison approach to value, the appraiser utilized three comparable sales located within .7 of a mile from the subject property. The comparables have sites ranging in size from 4,050 to 6,300 square feet of land area, two of which are reported to be near lake and one has a lakeview. In addition, comparable #2 is reported to have a forest view. The comparables are improved with ranch style or 1.5-story dwellings ranging in size from 1,040 to 1,286 square feet of living area. The dwellings are 65 to 71 years old. One comparable has a walkout basement finished with a family room and half bath. One comparable has a concrete slab foundation and one comparable has a crawl space foundation. Two comparables are reported to have attics. Each comparable has central air conditioning. One comparable has a 2-car garage. Comparable #1 has deck, hot tub; comparable #2 has patio, fireplace; and comparable #3 has deck, fireplace. The comparables sold from March 2020 to February 2021 for prices ranging

from \$132,000 to \$155,000 or from \$120.53 to \$126.92 per square foot of living area, including land. Adjustments were applied to the comparables for differences from the subject in site size, view, design/style, condition, gross living area and other features. After considering adjustments to the comparables for differences when compared to the subject, the appraiser arrived at an estimated market value of \$115,000 or \$79.04 per square foot of living area, including land.

In reconciliation, the appraiser gave most weight to the sales comparison approach to value.

Based on this evidence, the appellant requested a reduction in the subject property's total assessment to \$40,666 which reflects a market value of \$122,010 or \$83.86 per square foot of living area, including land, when applying the statutory level of assessment of 33.33%.

Under cross-examination by Mr. Perry, Mr. Potokar testified that the appraisal was not for a mortgage finance transaction even though the text addendum stated it was for a mortgage finance transaction and he performs less than five "ad valorem" appraisals on a yearly basis. Mr. Potokar testified that the six-car driveway is part of the subject property. Mr. Perry noted none of the comparables have lake views and questioned the appraiser about the adjustments to the comparables for view. Mr. Potokar testified comparable #1 has no lake view and no adjustment is warranted while comparable #2 has a forest view which is superior to a lake view and required a downward adjustment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$67,853. The subject's assessment reflects a market value of \$204,069 or \$140.25 per square foot of living area, land included, when using the 2021 three year average median level of assessment for Lake County of 33.25% as determined by the Illinois Department of Revenue.

In response to the appellant's appeal, the board of review asserted the appellant owns the parcel behind the subject house, parcel number 05-09-302-023 which is improved with a detached 2-car garage and a pier with direct access to Pistakee Lake. The board of review argued neither appraisal contains any commentary on the appellant's adjoining parcel and one of the appraisals notes the subject has a six-car driveway. However, the board of review asserted the six-car driveway is located on the adjoining parcel (05-09-302-023) and it is not part of the subject parcel (05-09-302-022). Mr. Buckles during testimony confirmed that he has partial ownership of the adjoining parcel that has lake frontage, and the six-car driveway is part of that parcel (05-09-302-023). The board of review argues neither appraisal considers the impact of the appellant's adjoining parcel in their highest and best use analysis of the subject property.

In support of the subject's assessment, the board of review submitted information on seven comparable sales located from .30 of a mile to 5.13 miles from the subject property. The comparables are described as 1-story, 1.5-story or 2-story dwellings of wood siding or brick exterior construction that range in size from 999 to 1,794 square feet of living area. The dwellings were constructed from 1897 to 1960 with effective years built from 1935 to 1990. Four comparables have basements, with one having finished area and three comparables have crawl space foundations. Six comparables have central air conditioning. Three comparables each have a fireplace. Five comparables each have a garage ranging in size from 440 to 1,176 square feet of building area. The comparables are situated on waterfront or channel front sites

containing from 7,470 to 22,830 square feet of land area. The comparables sold from June 2020 to April 2021 for prices ranging from \$260,000 to \$394,000 or from \$181.16 to \$375.24 per square foot of living area, including land. Based on this evidence, the board of review requested that the subject property'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 based on the evidence in the record a reduction in the subject's assessment is warranted.

As initial matter, the Board finds the board of review's argument that the appraisers should have considered the adjacent parcel that is partially owned by the appellant in their highest and best use analysis is without merit. The Board finds the appellant filed an appeal for just parcel number 05-09-302-022 which is the subject property and the adjacent parcel 05-09-302-023 was not part of the appeal.

The Board finds the appellant submitted two appraisals and the board of review provided seven comparable sales to support their respective positions.

As to appellant's first appraisal prepared by Steven S. Rabin, the Board finds the appraiser was not present at the hearing to provide direct testimony or be cross-examined regarding the appraisal methodology and the final value conclusion. The Board gives the conclusion of value contained in the appraisal no weight since the appraiser was not present at the hearing to be cross-examined with respect to the appraisal methodology, the selection of the comparables, the adjustment process and the ultimate conclusion of value.

The courts have also stated that where there is credible evidence of comparable sales these sales are to be given significant weight as evidence of market value. In Chrysler Corporation v. Property Tax Appeal Board, 69 Ill. App. 3d 207 (2nd Dist. 1979), the court held that significant relevance should not be placed on the cost approach or income approach especially when there is market data available. In Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill. App. 3d 9 (5th Dist. 1989), the court held that of the three primary methods of evaluating property for the purpose of real estate taxes, the preferred method is the sales comparison approach.

After reviewing the data and considering the testimony for the second appraisal, the Board finds the appellants' valuation witness, Mr. Potokar, was neither credible nor persuasive. The Board finds it problematic that the appraiser included the six-car driveway in its analysis of the subject property when it is not part of the subject parcel which was confirmed during testimony by the owner, Charles Buckles. Furthermore, the appraiser applied questionable adjustments to the comparables for lake view. For these reasons, the Board finds the appraiser's conclusion of value not to be reliable or credible.

However, the Board will examine the raw sales contained in both appraisals.

The record contains a total of 13 comparable sales for the Board's consideration. The Board gives less weight to comparable sale #1 in the appellant's first appraisal along with comparable sales #1 and #2 in the appellant's second appraisal due to significant differences in dwelling size when compared to the subject. The Board also gives less weight to the board of review comparables, all of which are lakefront or channel front properties unlike the subject property which only has a lake view.

The Board finds the best evidence of market value to be comparables #2 and #3 in the appellant's first appraisal and comparable #3 in the appellant's second appraisal. These comparables overall are most similar to the subject in location, site size, dwelling size, age, and features. These comparables sold from August 2020 to June 2021 for prices ranging from \$111,000 to \$155,000 or from \$71.15 to \$120.53 per square foot of living area, including land. The subject's assessment reflects a market value of \$204,069 or \$140.25 per square foot of living area including land, which falls above the range established by the most similar comparable sales in the record. After considering the subject's condition and adjustments to the comparables for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is excessive. Therefore, 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:

December 19, 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

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