



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

APPELLANT: Michael Moran, Jr.
DOCKET NO.: 21-01881.001-R-1
PARCEL NO.: 14-31-402-009

The parties of record before the Property Tax Appeal Board are Michael Moran, Jr., the appellant, by attorney Thomas E. Sweeney, of Siegel Jennings Co., L.P.A. 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 **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: \$44,707
IMPR.: \$147,293
TOTAL: \$192,000

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 two-story dwelling of brick and frame exterior construction with 4,070 square feet of living area. The dwelling was constructed in 1968 and has an effective year built of 1972. Features of the home include a basement with finished area, central air conditioning, two fireplaces and a 505 square foot 2-car garage. The property has an approximately 22,220 square foot site and is located in Barrington, Ela Township, Lake County.

The subject property is an owner-occupied residence that was the subject matter of an appeal before the Property Tax Appeal Board the prior year under Docket Number 20-04183.001-R-1. In that appeal, the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property to \$192,000 based on an agreement between the parties.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$576,000 as of January 1, 2020. The appraisal was prepared by Peter Petrovich, a Certified Residential Real Estate Appraiser. The intended use of the report was for an ad valorem tax protest.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value selecting four comparable sales located within 0.39 of a mile from the subject property. The comparables have varying degrees of similarity to the subject and sold from April 2018 to August 2019 for prices ranging from \$536,500 to \$639,058 or from \$150.30 to \$180.19 per square foot of living area, land included. After adjusting the comparables for differences with the subject the appraiser arrived at adjusted sale prices for the comparables ranging from \$575,200 to \$582,000 and an opinion of market value for the subject of \$576,000. Based on this evidence, the appellant requested the subject's assessment be reduced to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$224,978. The subject's assessment reflects a market value of \$676,626 or \$166.25 per square foot of living area, land included when applying the 2021 three-year average median level of assessment for Lake County of 33.25% as determined by the Illinois Department of Revenue. In its submission, the board of review reported that 2019 was the beginning of the subject's general assessment cycle and disclosed an equalization factor of 1.0000 was applied for the 2021 tax year in Ela Township.

In support of its contention of the correct assessment, the board of review submitted information on five comparable sales located within 0.61 of a mile from the subject property. Board of review comparable #5 is a February 2021 sale of the same property as appraisal sale #2 which sold in April 2018. The comparables have varying degrees of similarity to the subject and sold from August 2020 to April 2021 for prices ranging from \$630,000 to \$867,000 or from \$166.93 to \$227.70 per square foot of living area, land included. The board of review critiqued the appellant's appraisal as having older sale dates for the comparables in 2018 and 2019 for a January 1, 2021 assessment date. Based on this evidence, the board of review requested the subject'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, pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185), a reduction in the subject's assessment is warranted.

The Property Tax Appeal Board finds the subject property was the matter of an appeal before this Board for a prior tax year under Docket Number 20-04183.001-R-1. In that appeal, the Property Tax Appeal Board rendered a decision lowering the subject's assessment to \$192,000. The Property Tax Appeal Board takes notice that Ela Township's general assessment period

began in the 2019 tax year and continues through the 2022 tax year. The Board also finds this record shows that a 1.0000 equalization factor was issued in Ela Township for the 2021 tax year. The Board further finds section 16-185 of the Property Tax Code is controlling in this appeal (35 ILCS 200/16-185).

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. [Emphasis added]

The Board finds this record disclosed the subject property is an owner-occupied residence and that the 2020 and 2021 tax years are within the same general assessment period for Ela Township. The record contains no evidence showing the Board's 2020 decision was reversed or modified upon review or that the subject property sold in an arm's-length transaction establishing a different fair cash value. For these reasons, the Property Tax Appeal Board finds that the prior year's decision should be carried forward to the 2021 tax year pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) and a reduction in the subject's assessment is warranted to reflect the Board's prior year's decision plus the application of the 2021 equalization factor of 1.0000. ($\$192,000 \times 1.0000 = \$192,000$).

Additionally, notwithstanding the dictates of Section 16-185 of the Property Tax Code, the record contains an appraisal with four comparable sales and five sale comparables submitted by the board of review to support their respective arguments. The appraisal contains an opinion of value for the subject as of January 1, 2020 of \$576,000 based on the adjusted sale prices of the four comparable properties. The board of review comparable properties sold from August 2020 to April 2021 for prices ranging from \$630,000 to \$867,000 or from \$166.93 to \$227.70 per square foot of living area, including land. The subject's assessment after reduction to \$192,000 reflects a market value of \$577,444 or \$141.88 per square foot of living area, land included, when applying the three-year average median level of assessment for Lake County of 33.25% as determined by the Illinois Department of Revenue, which is bracketed by the appraised value of the subject property and the board of review comparable sales. Furthermore, the subject property has not sold in an arm's-length transaction, establishing a different fair cash value for the property. Therefore, the Board finds on this record that, once reduced as an owner-occupied property, the subject is correctly valued for assessment purposes.

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: January 16, 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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