



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

APPELLANT: James Quigley
DOCKET NO.: 21-02949.001-R-1
PARCEL NO.: 11-23-202-008

The parties of record before the Property Tax Appeal Board are James Quigley, 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 **An Increase** 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: \$43,902
IMPR.: \$172,190
TOTAL: \$216,092

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 wood siding exterior construction with 2,869 square feet of living area. The dwelling was constructed in 1996. Features of the home include a full basement, central air conditioning, a fireplace and a 671 square foot garage. The property has a 18,250 square foot site and is located in Green Oaks, Libertyville Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted information on three comparable sales located in the same neighborhood code as the subject and within close proximity to the subject. The comparable parcels range in size from 16,540 to 19,690 square feet of land area. Each is improved with a two-story dwelling of wood siding exterior construction that was built in either 1996 or 1997. The homes range in size from 2,848 to 2,886 square feet of living area. Each comparable has a basement, central air

conditioning, a fireplace and a garage of either 431 or 671 square feet of building area. The properties sold from December 2019 to March 2021 for prices ranging from \$424,000 to \$435,000 or from \$146.92 to \$151.62 per square foot of living area, including land.

Based on this evidence, the appellant requested a total assessment of \$143,387, which would reflect a market value of \$430,204 or \$149.95 per square foot of living area, including land, when applying 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 \$160,165. The subject's assessment reflects a market value of \$481,699 or \$167.90 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 comparable properties, the board of review noted that comparables #1 and #2 each back to tollways and pointed out the lower land values associated with these comparables. No map as referenced was provided to support the assertion concerning tollway location. In addition, comparable #1 reflects a December 2019 date of sale as compared to the lien date of January 1, 2021. Furthermore, the board of review asserted that comparable #2 has a "small garage" and comparable #3 was an unqualified "bank" sale with no other supporting evidence.

In support of its contention of the correct assessment, the board of review submitted information prepared by the township assessor on two comparable recent qualified sales which are each near to the subject and one of which backs to the tollway. The comparable parcels contain 18,953 and 20,391 square feet of land area, respectively. Each is improved with a two-story dwelling of wood siding exterior construction that was built in 1996 and contains 2,403 and 3,161 square feet of living area, respectively. Each comparable has a basement, central air conditioning, a fireplace and a garage of either 620 or 666 square feet of building area. Comparable #2 also has a 612 square foot inground swimming pool. The properties sold in August 2020 and March 2021 for prices of \$485,000 and \$569,900 or from \$201.83 to \$180.29 per square foot of living area, including land.

The board of review also reported the sale of the subject property in October 2021 as depicted on a Multiple Listing Service (MLS) data sheet where the property was originally offered for sale for \$649,900 and sold within one day. Therefore, the board of review argued that the 2021 sale of the subject property was the best indication of value and requested an increase in its assessment to reflect the sale price at the 33.33% statutory level of assessment.

Counsel for the appellant filed a request to withdraw this pending appeal but did not serve the Lake County Board of Review as required by rule. See 86 Ill.Admin.Code §§ 1910.50(j) and 1910.64. The Property Tax Appeal Board promptly informed counsel by e-mail of this deficiency, but no subsequent filing with proper service was made.

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 evidence of record establishes that an increase in the subject's assessment is warranted.

The parties provided a total of five comparable sales to support their respective positions before the Property Tax Appeal Board. Furthermore, the board of review provided evidence of the subject's October 2021 sale price of \$649,900 in support of a request to increase the assessment.

In counties with 200,000 or fewer inhabitants, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). The sale of a property during the tax year in question is a relevant factor in considering the validity of the assessment. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369 (1st Dist. 1983). Furthermore, a contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967).

The Board finds the best evidence of market value to be board of review evidence of the listing and sale of the subject property for the asking price after a day on the market in October 2021 for \$649,900. As set forth by the previously cited case law, the contemporaneous sale of the subject property is the best evidence of its fair cash value. Moreover, the Board finds the subject's sale information was not refuted or countered by the appellant in any manner. The evidence reveals the subject property sold ten months after the assessment date of January 1, 2021. Furthermore, the Board finds there is no evidence in the record that the sale price was not reflective of the subject's market value. While the listing time was brief, the Property Tax Appeal Board finds that the information provided by the board of review indicated the sale had the elements of an arm's length transaction having been exposed on the open market.

Based on the uncontested facts in the record, the Property Tax Appeal Board finds the subject's October 2021 sale price of \$649,900 was arm's-length in nature and was more proximate in time to the assessment date of January 1, 2021 than any of the comparable sales in the record. The subject's assessment reflects a market value of \$481,699 or \$167.90 per square foot of living area, including land, which is below the recent sale price of the subject in this record. Based on this evidence, the Board finds an increase 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: February 20, 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

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