



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

APPELLANT: Rick Powers  
DOCKET NO.: 21-05133.001-R-1  
PARCEL NO.: 05-03-304-003

The parties of record before the Property Tax Appeal Board are Rick Powers, the appellant, by attorney Ronald Kingsley, of Lake County Real Estate Tax Appeal, LLC in Hawthorn Woods; 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:** \$24,390  
**IMPR.:** \$79,377  
**TOTAL:** \$103,767

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 2-story dwelling of frame exterior construction with 1,811 square feet of living area.<sup>1</sup> The dwelling was constructed in 1908 and is approximately 113 years old. The dwelling has a reported effective age of 1978. Features of the home include a partial walk-out basement with finished area, central air conditioning, and an 828 square foot garage that was built in 2017. The property has a site containing 8,516 square feet and is located in Fox Lake, Grant Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal of the subject property with an estimated market value of

---

<sup>1</sup> The parties differ as to the subject's dwelling size. The Board finds the best evidence of size was the appellant's appraisal which contained a more detailed floorplan sketch with dimensions and calculations where the appraiser made an interior and exterior inspection of the subject property.

\$253,000 as of January 1, 2021. The appraisal was prepared by R. Steven Kephart, a Certified Residential Real Estate Appraiser. The property rights appraised were fee simple and the purpose of the appraisal was for an ad valorem assessment appeal. The appraiser described the subject as being well cared for and has had ongoing repair and maintenance.

In estimating the market value, the appraiser developed the sales comparison approach to value. The appraiser utilized five comparable sales located from .59 of a mile to 1.5 miles from the subject property. The comparables have sites ranging in size from 6,277 to 12,711 square feet of land area and are improved with traditional dwellings ranging in size from 1,510 to 2,778 square feet of living area. The dwellings range in age from 56 to 81 years old. One comparable has a basement with finished area. Four comparables have central air conditioning and one comparable has window air conditioning. Four comparables each have one-car or two-car garages and one comparable has a 2<sup>nd</sup> house. Each comparable has a fireplace and three comparables each have a one-car or a two-car garage. The comparables sold from June to September 2020 for prices ranging from \$240,000 to \$265,000 or from \$86.39 to \$165.56 per square foot of living area, including land. The appraiser adjusted comparable #1 for sale or financing concessions and also applied adjustments to the comparables for differences when compared to the subject in bathroom count, gross living area, basement area, basement finish, and other features to arrive at adjusted prices ranging from \$225,900 to \$269,900. Based on the adjusted sale prices, the appraiser estimated the subject had a market value of \$253,000.

Based on this evidence, the appellant requested a reduction in the subject's assessment 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 \$103,767. The subject's assessment reflects a market value of \$312,081 or \$172.33 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 response to the appeal, the board of review submitted a response from the township assessor that critiqued the appraiser's adjustments to the comparables for differences in land size, foundation type, and garage size when compared to subject.

In support of its contention of the correct assessment of the subject property, the board of review submitted information on five comparable sales located within .76 of a mile from the subject property. These comparables have sites ranging in size from 4,574 to 9,788 square feet of land area and are improved with 1.5-story or 2-story dwellings of frame exterior construction ranging in size from 1,380 to 2,054 square feet of living area. The comparables were constructed from 1926 to 1999 with comparables #1, #2 and #3 having effective ages of 1981, 1951, and 2000, respectively. Three comparables are reported to have basements, two of which are walkout with finished area. Each comparable has central air conditioning; one comparable has a fireplace; and two comparables each have a garage with either 440 or 520 square feet of building area. The comparables sold from June 2019 to June 2021 for prices ranging from \$291,500 to \$470,000 or from \$175.27 to \$252.69 per square foot of living area, including land. Based on this evidence, the board of review requests confirmation of the subject's assessment.

### **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.

The Board finds the appellant submitted an appraisal and the board of review submitted five comparable sales to support their respective positions.

As to the appellant's appraisal, the Board finds the appraiser did not make any adjustments for differences in site size or age without any explanation. Furthermore, the appraiser applied adjustments to the comparables for differences when compared to the subject without any support or any explanation. In addition, the appraisal comparable #2 has a second house on the site unlike the subject property and comparable #3 is 53% larger than the subject dwelling in size. For these reasons, the Board does not find the appraiser's conclusion of value to be a reliable indicator of value. However, the Board will analyze the raw sales data.

The Board gives less weight to board of review comparable #1 which sold 18 months prior to the January 1, 2021 assessment date and is less likely to be reflective of market value as of that date. The Board gives less weight to board of review comparables #3 and #4 which are considerably newer dwellings when compared to the subject.

The Board finds the best evidence of the subject's market value to be appellant's appraisal comparable sales #1, #4, and #5 as well as board of review comparables #2 and #5. These comparables sold proximate in time to the assessment date at issue and are relatively similar to the subject in location, age, dwelling size and some features. These comparables sold from June 2020 to April 2021 for prices ranging from \$245,000 to \$360,000 or from \$139.33 to \$184.36 per square foot of living area, including land. The subject's assessment reflects a market value of \$312,081 or \$172.33 per square foot of living area, land included which is within the range established by the best comparable sales in this record. Therefore, after considering adjustments to the best comparable sales for differences when compared to the subject, the Board finds the appellant did not prove by a preponderance of the evidence that a reduction in the subject's assessment is warranted based on overvaluation.

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

AGENCY

State of Illinois  
Property Tax Appeal Board  
William G. Stratton Building, Room 402  
401 South Spring Street  
Springfield, IL 62706-4001

APPELLANT

Rick Powers, by attorney:  
Ronald Kingsley  
Lake County Real Estate Tax Appeal, LLC  
40 Landover Parkway  
Suite 3  
Hawthorn Woods, IL 60047

COUNTY

Lake County Board of Review  
Lake County Courthouse  
18 North County Street, 7th Floor  
Waukegan, IL 60085