



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

APPELLANT: Liliana Diaz Ochoa
DOCKET NO.: 23-01441.001-R-1
PARCEL NO.: 04-21-320-002

The parties of record before the Property Tax Appeal Board are Liliana Diaz Ochoa, 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: \$6,862
IMPR.: \$23,135
TOTAL: \$29,997

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 2023 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 one-story "ranch-style" dwelling of wood siding exterior construction with 1,080 square feet of living area. The dwelling was constructed in 1965. Features of the home include an unfinished full basement, one full bathroom, and central air conditioning. Outdoor improvements include a wood deck. The property has a 7,330 square foot site and is located in Zion, Zion Township, Lake County.

The appellant contends both assessment inequity and overvaluation as the bases of the appeal, challenging both the land and improvement assessments of the subject property. In support of these arguments, the appellant submitted two separate Section V grid analyses, along with both assessment and sales data for each comparable, which were additionally displayed on printouts from Lake County. As to the two Section V grids, as each was individually numbered, the Property Tax Appeal Board (PTAB or Board) has analyzed the data and renumbered the

comparables from #1 through #9 for ease in reference, also finding the second property on the second grid analysis (2604 Gilead) was a duplicate of comparable #2 on the first grid analysis.

In addition, the Board would advise the appellant for the future, the initial filing of the appeal should only consist of the appellant's data in support of the assessment appeal; after receipt of the board of review evidence, the appellant will be granted an opportunity to file rebuttal evidence to the evidence submission of the Lake County Board of Review. Submitting responsive evidence to Lake County evidence filed at the local level, but not yet filed with the PTAB, is unnecessary when beginning the appeal process with the Board. Also, in response to the appellant's letter filed with this appeal, PTAB has no jurisdiction with regard to how tax appeals are processed or handled at the county board of review level. All proceedings before PTAB are *de novo* (35 ILCS 200/16-180) or without reference to the actions taken before the board of review. Additionally, by administrative procedure, proceedings before the Board are *de novo* "meaning the Board will only consider the evidence, exhibits and briefs submitted to it, and will not give any weight or consideration to any prior actions by a local board of review" (86 Ill.Admin.Code §1910.50(a)).

The eight of the nine comparables presented by the appellant are located within the same assessment neighborhood code as the subject property and the comparables are from .15 of a mile to 1.45-miles from the subject property. The parcels range in size from 7,010 to 16,800 square feet of land area and are each improved with a one-story or ranch-style dwelling of wood siding or brick exterior construction. The homes were built between 1955 and 1978. The dwellings range in size from 925 to 1,375 square feet of living area. Each dwelling has a full unfinished basement and 1, 1½ or 2 bathrooms. Five comparables each have central air conditioning and three homes each have one or two fireplaces. Eight comparables have a garage ranging in size from 352 to 768 square feet of building area. Comparable #3 has a sunroom and four properties each have a wood deck.

The comparables have land assessments ranging from \$6,515 to \$8,345 or from \$0.50 to \$0.94 per square foot of land area and improvement assessments ranging from \$35,708 to \$53,136 or from \$34.54 to \$47.15 per square foot of living area. The comparables sold from May 2021 to June 2023 for prices ranging from \$75,000 to \$159,000 or from \$54.55 to \$171.89 per square foot of living area, including land.

With supporting photographic evidence and computer printouts, the appellant further reported that appellant's comparable sale #2, 2604 Gilead, resold in April 2023 for \$199,999 after updates. Likewise, appellant's comparable #6, 2619 Gilboa, originally sold in May 2023 for \$100,000 and then resold in June 2023 for \$159,000 after remodeling.

As part of the appeal, the appellant also reported and supplied photographs that after a severe 2017 flood of the basement, all walls were removed. Photographs depict open wooden studs with no drywall.

Based on the foregoing evidence and argument, the appellant requested a reduced land assessment of \$5,649 or \$0.81 per square foot of land area and an improvement assessment of \$23,134 or \$21.42 per square foot of living area. The appellant's total assessment reduction

request of \$28,783 reflects a market value of \$86,358 or \$81.16 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 \$42,586. The subject property has a land assessment of \$6,862 or \$0.94 per square foot of land area and an improvement assessment of \$35,724 or \$33.08 per square foot of living area. The subject's total assessment reflects a market value of \$127,771 or \$118.31 per square foot of living area, land included, when using the statutory level of assessment of 33.33%.¹

In support of its contention of the correct assessment, the board of review submitted information on three comparables with both equity and sales data. The comparables are located within the same assessment neighborhood code as the subject property and from 1.07 to 1.44-miles from the subject property. The parcels range in size from 7,150 to 13,434 square feet of land area and are each improved with a one-story or ranch-style dwelling of aluminum siding or wood siding exterior construction. The homes were each built from 1956 to 1971 and range in size from 1,008 to 1,107 square feet of living area. Each dwelling has a full unfinished basement, 1 bathroom, and central air conditioning. Comparable #3 has a fireplace and comparables #2 and #3 each have garages of 528 and 832 square feet of building area, respectively. Comparable #1 has a wood deck. The comparables have land assessments ranging from \$6,693 to 8,035 or from \$0.60 to \$1.13 per square foot of land area and improvement assessments ranging from \$36,889 to \$40,074 or from \$34.38 to \$38.28 per square foot of living area. The comparables sold from October 2022 to February 2023 for prices ranging from \$164,000 to \$205,000 or from \$162.70 to \$185.19 per square foot of living area, including land.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant acknowledged that the board of review comparables are located in the subject's neighborhood code, but each property is over 1-mile distant from the subject. In this regard, the appellant asserted that "four blocks make a BIG difference." The appellant outlined differences between the subject dwelling and the three comparables presented by the board of review. Board of review comparable #1 has been remodeled and features lush carpeting as compared to the subject's worn wooden floors. This comparable also has a remodeled bathroom with new vanity, flooring, toilet and fixtures whereas the subject has not been upgraded in contrast to other upgrades made to this comparable of new roof, circuit breaker, gutters and new windows. Board of review comparable #2 has a larger lot and has an updated roof, refinished flooring, updated kitchen cabinets and appliances along with bathroom updates. This comparable also has a garage whereas the subject lacks a garage. Finally, board of review comparable #3 has a substantially larger lot than the subject, newer roof, windows, a fireplace amenity, remodeled bathroom and new flooring throughout along with updated plumbing, electrical and air along with a 2.5-car garage.

¹ Procedural rule Sec. 1910.50(c)(1) provides that in all counties other than Cook, the three-year county wide assessment level as certified by the Department of Revenue will be considered. 86 Ill.Admin.Code Sec. 1910.50(c)(1). Prior to the issuance of this decision, the Department of Revenue has yet to publish Table 3 with the figures for tax year 2023.

Conclusion of Law

The taxpayer, in part, contends assessment inequity as to both the land and the improvement as a basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted on grounds of lack of assessment equity.

As to the land inequity argument, the record contains a total of twelve comparable properties to support the parties' respective positions before the PTAB. The Board has given reduced weight to the lots that differ in size and/or distance from the subject parcel. Thus, the Board has given reduced weight to appellant's comparables #4, #8 and #9 along with the board of review comparables, which differ in site size and/or are more than 1-mile distant from the subject parcel.

The Board finds the best evidence of land assessment equity to be the appellant's comparables #1, #2, #3 and #5 through #7, which parcels range in size from 7,010 to 7,750 square feet of land area and each of which has a land assessment of \$0.94 per square foot of land area. The subject parcel of 7,330 square feet of land area has a land assessment of \$0.94 per square foot of land area. Based on this record, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's land assessment was inequitable in that the subject has an identical land assessment on a per-square-foot basis to similarly sized lots in relatively close proximity to the subject.

As to the improvement inequity argument, again the record contains a total of twelve suggested comparable properties to support the respective positions of the parties before the PTAB. The Board has given reduced weight to appellant's comparables #4, #6, #7 and #9 which differ more significantly in dwelling size when compared to the subject property. The Board has also given reduced weight to appellant's comparable #8 along with the board of review comparables which are each more than 1-mile distant from the subject property.

The Board finds the best evidence of assessment equity to be appellant's comparables #1, #2, #3 and #5, which are similar to the subject in location, design, foundation, and lack of basement finish, and present varying degrees of similarity to the subject in age, dwelling size, and some amenities. Adjustments to the best comparables are necessary for differences when compared to the subject in central air conditioning, fireplace and/or garage features. These comparables have improvement assessments ranging from \$36,751 to \$43,814 or from \$34.54 to \$40.12 per square foot of living area. The subject's improvement assessment of \$35,724 or \$33.08 per square foot of living area falls below the range established by the best comparables in this record both in terms of overall improvement assessment and on a per-square-foot of living area basis which appears to be logical given the appellant's assertions that the subject home has not been updated or remodeled like other area properties, thus reflecting a lower assessment than nearby properties. Furthermore, but for a slight 12 square foot difference in dwelling size and the presence of a fireplace, the Board finds that appellant's comparable #3 is the most similar

comparable to the subject, yet this home has an improvement assessment of \$40.12 per square foot of living area or approximately 21% higher than the subject's improvement assessment on a per square foot basis.

Based on this record and after considering appropriate adjustments to the best equity comparables for differences when compared to the subject dwelling, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified on grounds of lack of assessment equity.

In the alternative, 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). Except in counties with more than 200,000 inhabitants that classify property, 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 Illinois Supreme Court 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 parties submitted a total of twelve comparable sales to support their respective positions before PTAB. The Board has given reduced weight to appellant's comparable sales #8 and #9 as well as the board of review comparables which are each more than a mile distant from the subject property, when the record includes other recent sales of properties similar to the subject that are closer in proximity to the subject. Moreover, the Board has given reduced weight to appellant's comparables #4, #6 and #7 which each differ from the subject in dwelling size.

On this record, the Board finds the best evidence of market value to be appellant's comparable sales #1, #2, #3 and #5 which are similar to the subject in location, relatively similar in age, dwelling size, foundation type and some features. Downward adjustments would be appropriate to those properties with a garage and/or fireplace(s) as these are not features of the subject property. Likewise upward adjustments would be necessary to comparable #5 which lacks central air conditioning, a feature the subject dwelling. These four best comparables sold for prices ranging from \$80,000 to \$95,000 or from \$75.19 to \$89.29 per square foot of living area, including land. The subject's assessment reflects a market value of \$127,771 or \$118.31 per square foot of living area, including land, which is above the range established by the best comparable sales in this record and appears to be illogical even after considering necessary adjustments to the best comparable sales when compared to the subject property. Based on this evidence, the Board finds 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: _____

November 19, 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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