



FINAL ADMINISTRATIVE DECISION ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Filippo DiVagno
DOCKET NO.: 16-04412.001-R-1
PARCEL NO.: 16-15-424-011

The parties of record before the Property Tax Appeal Board are Filippo DiVagno, the appellant, by attorney Robert Rosenfeld, of Robert H. Rosenfeld and Associates, LLC 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 **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: \$43,851
IMPR.: \$47,715
TOTAL: \$91,566

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 2016 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 wood siding exterior construction with 1,760 square feet of living area. The dwelling was constructed in 1918. Features of the home include a full unfinished basement. The property has an 11,283 square foot site and is located in Highwood, Moraine 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 that were located from approximately .45 to .56 of a mile from the subject property. The comparables consist of a 1.5-story, a 1.75-story and a 2-story dwelling of brick or stucco exterior construction ranging in size from 1,710 to 1,812 square feet of living area. The dwellings were constructed from 1923 to 1929. Each comparable has an unfinished basement and two comparables have a fireplace. Comparables #1 and #3 each have a 240 square foot garage. The comparables have sites ranging in size from

6,600 to 10,012 square feet of land area. The comparables sold in December 2014 or February 2015 for prices ranging from \$141,500 to \$225,000 or from \$78.09 to \$125.98 per square foot of living area, including land. Based on the comparable sales evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$91,566. The subject's assessment reflects a market value of \$276,134 or \$156.89 per square foot of living area, land included, when using the 2016 three-year average median level of assessment for Lake County of 33.16% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted information on four comparable sales. The comparables are located from .142 to .461 miles from the subject property. The comparables were improved with two-story dwellings of wood siding, vinyl siding and stucco exterior construction that range in size from 1,538 to 1,864 square feet of living area. The dwellings were constructed from 1908 to 1920. Each comparable has a basement, one of which has finished area. Additionally, two comparables have central air conditioning and two comparables have a fireplace. Each comparable has a garage ranging in size from 216 to 493 square feet of building area. The comparables have sites ranging in size from 6,044 to 8,404 square feet of land area. These properties sold from June 2016 to October 2017 for prices ranging from \$276,560 to \$375,000 or from \$177.28 to \$205.68 per square foot of living area, including land. Based on the comparable sales evidence, the board of review requested confirmation of the subject's assessment.

Under rebuttal, the appellant argued that board of review comparable #1 has a finished basement and a fireplace, comparables #3 and #4 have central air conditioning and/or a fireplace and all board of review comparables have a garage when compared to the subject.

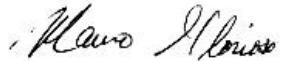
Conclusion of Law

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 no reduction in the subject's assessment is warranted.

The parties submitted seven suggested comparable sales for the Board's consideration. The Board gave less weight to appellant's comparables #2 and #3, as well as board of review comparable #3, as their December 2014 and October 2017 sales are too distant in time and less likely to be indicative of the subject's market value as of the January 1, 2016 assessment date. The Board also gave less weight to appellant's comparable #1 as the transaction is an outlier due to its considerably lesser sale price in relation to the other similar comparables contained in the record. Additionally, the Board gave reduced weight to board of review comparable #1 due to its superior finished basement area.

The Board finds the best evidence of market value to be board of review comparables #2 and #4. These two comparables are similar to the subject in location, size, design, age and some features. These comparables sold more proximate in time to the January 2016 assessment date for prices of \$276,560 and \$299,000 or for \$177.28 and \$194.41 per square foot of living area, including land. The subject's assessment reflects a market value of \$276,134 or \$156.89 per square foot of living area, including land, which is supported by the most similar comparable sales in this record. After considering adjustments to the comparable sales for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by the assessment is supported. Based on this evidence, the Board finds no 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:

C E R T I F I C A T I O N

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 13, 2019



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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COUNTY

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