

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Bin Meng and Ying Li
DOCKET NO.: 04-00365.001-R-1
PARCEL NO.: 11-29-313-003

The parties of record before the Property Tax Appeal Board are Bin Meng and Ying Li, the appellants, and the Lake County Board of Review. For purposes of this hearing this matter was consolidated with Property Tax Appeal Board Docket No. 05-00719.001-R-1 for purposes of taking oral testimony only.

The subject property is a two-story style dwelling described as a "Braemar" model. The home has a frame and stone exterior and contains 3,234 square feet of living area that was built in 2000. Features include a full unfinished basement, central air conditioning, a fireplace and a 615 square foot attached garage. The subject property is located in Libertyville Township in Vernon Hills, Illinois.

Appellant Ying Li, appeared before the Property Tax Appeal Board on behalf of the appellants claiming unequal treatment in the assessment process as the basis of the appeal. In support of this claim, the appellants submitted a grid analysis detailing four comparable properties, a summary argument letter along with statistical sales ratio studies and analyses spreadsheets. The comparables are located in the subject's subdivision. The comparables are two-story "Braemar" model style dwellings of brick exterior construction built between 1998 and 2000. Each of the homes contain 3,238 square feet of living area with full basements, central air conditioning, one fireplace and garages of at least 656 square feet of building area. One of the homes has a finished basement area. The comparables had improvement assessments ranging from \$130,614 to \$131,487 or from \$40.34 to \$40.61 per square foot of living area. The subject's

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Based on the facts and exhibits presented, 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:	\$	35,066
IMPR.:	\$	130,344
TOTAL:	\$	165,410

Subject only to the State multiplier as applicable.

improvement assessment was \$130,344 or \$40.30 per square foot of living area.

The appellants argued that the methodology of assessments used by the Libertyville Township Assessor was flawed and created an inequitable result in the subject's assessment. The crux of the appellants' argument is that the subject's assessment should be based on the median sales price paid for "Braemar" models from 1998 to 2002. The appellants argued that the subject's 2004 improvement assessment represented 99% of the subject's purchase price of \$396,391 in September 2000 and reflected 125% of the subject's market value when compared to its original purchase price. This resulted in a 0.01915 deviation from the sales median for "Braemar" models or a higher ratio of assessment for the subject when compared to other "Braemar" models purchased at various times between 1998 and 2002. Based on this evidence the appellants argued the subject's improvement assessment should be reduced and adjusted to the median sales ratio of 0.3312 of the subject's total original purchase price paid in 2000 - \$131,285 or \$29.75 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$165,410 was disclosed. In support of the subject's assessment, the board of review submitted a letter from the Libertyville Township Assessor, three separate grid analyses detailing three comparable properties each, with one comparable being duplicated on two separate grids, and a subdivision sales spreadsheet. The comparables consist of two-story style "Braemar" or "Thornhill" model dwellings located in the same subdivision as the subject. The homes are brick, stucco and stone, or brick and frame dwellings. Six of the homes are depicted as having central air-conditioning, one fireplace and partially unfinished basements with a garage. Information regarding the air conditioning and fireplaces were not depicted for two of the comparables. The comparables ranged from 3,234 to 3,852 square feet of living area. The comparables had improvement assessments ranging from \$129,200 to \$134,826 or from \$39.11 to \$42.87 per square foot of living area.

The board of review called the Deputy Assessor of Libertyville Township as its witness. The Deputy Assessor testified that the Libertyville Township Assessor's Office used the computer assisted mass appraisal (CAMA) system known as ProVal and that its assessment practices and methodologies were in compliance with statewide guidelines promulgated by the Illinois Department of Revenue. The witness testified that the cost approach to

value is used to develop uniform assessments using the Marshall & Swift building valuation manual. Next, the sales from individual neighborhoods are used to test the cost schedules against the market according to location and type of house. Sales from the previous three years are used. For the subject's 2004 assessment, sales from 2001, 2002 and 2003 were considered with adjustments made to the cost values for each property within a neighborhood for house type and location. The witness testified that all sales used in the sales ratio study were considered arm's-length-transactions and the coefficient of dispersion was within an acceptable range. Based on this evidence, the board of review requested confirmation of its assessment.

After hearing the testimony and considering the evidence the Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The appellants contend assessment inequity as the basis of the appeal. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellants have not overcome this burden.

The Board finds the parties submitted eleven assessment comparables for consideration. The Board finds both parties submitted comparables similar to the subject's two-story style "Braemar" model and which are located in the same subdivision as the subject. They have improvement assessments ranging from \$39.11 to \$42.87 per square foot of living area. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's improvement assessment of \$40.30 per square foot of living area is within the range established by the most similar comparables contained in this record, and is lower than the most similar comparables submitted by the appellant.

Further, the Board finds the appellants submitted numerous statistical data to argue that the subject's assessment should be adjusted to the median sales prices for similar properties for the period from 1998 to 2002. The board of review testified that its assessment practices and methodologies were in compliance with statewide guidelines promulgated by the Illinois

Department of Revenue. The Board finds the appellants' argument and evidence shows that not all assessments are uniform when compared to sales prices paid over a period of several years. However, the Board finds these types of analyses are not an accurate measurement or a persuasive indicator to demonstrate an assessment inequity by clear and convincing evidence. Foremost, the Board finds this type of analysis uses median sale prices and percentage increases from year to year.

The Board finds rising or falling assessments from year to year based on a percentage basis of the original sales price paid do not indicate whether a particular property is inequitably assessed. Actual assessments and sale prices of properties together with their salient characteristics must be compared and analyzed to determine whether uniformity of assessments exists or if a particular property is overvalued. The Board finds assessors and boards of review are required by the Property Tax Code to revise and correct real property assessments, annually if necessary, that reflect fair market value, maintain uniformity of assessments, and are fair and just. This may result in many properties having increased or decreased assessments from year to year of varying amounts and percentage rates depending on prevailing market conditions and prior assessments.

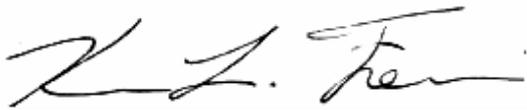
The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same geographic area are not assessed at identical levels, all that the constitution requires is a practical uniformity, which appears to exist based on the evidence submitted.

In conclusion, the Board finds the appellants failed to demonstrate a lack of uniformity in the subject's assessment by clear and convincing evidence. Therefore, the Board finds the subject's improvement assessment is supported and no reduction in the subject's improvement assessment is warranted.

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.



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: December 7, 2007



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 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 the subsequent year 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.

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.