

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: David Newman
DOCKET NO.: 05-00865.001-R-1
PARCEL NO.: 16-36-215-007

The parties of record before the Property Tax Appeal Board are David Newman, the appellant, by attorney Mitchell L. Klein of Schiller, Klein & McElroy, P.C., in Chicago, and the Lake County Board of Review.

The subject property consists of a 78 year-old two-story style brick dwelling that contains 2,469 square feet of living area. Features of the home include central air-conditioning, one fireplace, a 399 square foot garage and a full unfinished basement.

Through his attorney, the appellant submitted evidence to the Property Tax Appeal Board claiming unequal treatment in the assessment process as the basis of the appeal. In support of this argument, the appellant submitted a grid analysis of four comparable properties. The comparables consist of two-story style brick dwellings that range in age from 75 to 78 years and range in size from 2,588 to 2,784 square feet of living area. Features of the comparables include central air-conditioning, one fireplace and full or partial basements, one of which contains 696 square feet of finished area. Three comparables have garages that contain from 231 to 616 square feet of building area. These properties have improvement assessments ranging from \$78,262 to \$90,422 or from \$28.51 to \$34.94 per square foot of living area. The subject has an improvement assessment of \$93,047 or \$37.69 per square foot of living area. Based on this evidence, the appellant requested the subject's total assessment be reduced to \$182,121.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$196,852 was

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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:	\$	103,805
IMPR.:	\$	93,047
TOTAL:	\$	196,852

Subject only to the State multiplier as applicable.

PTAB/MRT/10/9/07

disclosed. In support of the subject's improvement assessment, the board of review submitted property record cards and a grid analysis of three comparable properties located in the same assessor's assigned neighborhood code as the subject. The comparables consist of two-story style brick, stucco, or stucco and frame dwellings that range in age from 80 to 85 years and range in size from 2,512 to 2,637 square feet of living area. Features of the comparables include central air-conditioning, one fireplace, garages that contain from 264 to 624 square feet of building area and full or partial unfinished basements. These properties have improvement assessments ranging from \$96,640 to \$113,561 or from \$36.79 to \$45.21 per square foot of living area. Based on this evidence the board of review requested the subject's total assessment be confirmed.

In rebuttal, the appellant pointed out the board of review's comparables have effective ages ranging from 1940 to 1960.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Property Tax Appeal Board further finds that a reduction in the subject's assessment is not warranted. The appellant's argument was unequal treatment in the assessment process. 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 assessment valuations 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 appellant has not overcome this burden.

The Board finds the parties submitted seven comparables for its consideration. The Board gave less weight to two of the board of review's comparables because their stucco exteriors differed from the subject's brick exterior. The Board finds the appellant's comparables and the board of review's comparable one were similar to the subject in terms of style, exterior construction, size, age and features and had improvement assessments ranging from \$28.51 to \$45.21 per square foot of living area. The subject's improvement assessment of \$37.69 per square foot of living area falls within this range. The Board finds the appellant argued the board of review's comparable one had a younger effective age when compared to the subject. The Board finds this factor could conceivably be accounted for in the comparable's significantly higher improvement assessment when compared to the subject.

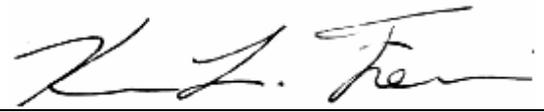
The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. A practical uniformity, rather than an absolute one, is the test. Apex Motor

Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity, which appears to exist on the basis of the evidence.

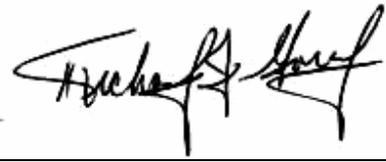
This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member

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: October 26, 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.