

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Douglas Cohen
DOCKET NO.: 05-01256.001-R-1
PARCEL NO.: 17-31-302-072

The parties of record before the Property Tax Appeal Board are Douglas Cohen, the appellant, by attorney Mendy Pozin of Northbrook, Illinois, and the Lake County Board of Review.

The subject property consists of a two-story style brick and stucco dwelling containing 4,154 square feet of living area, built in 1925. Features of the home include a partial unfinished basement, central air conditioning, a fireplace and a two-car garage.

The appellant, through counsel, appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. At the outset of the hearing, appellant's counsel made a motion to withdraw the appeal. The board of review indicated its objection to the motion. The Property Tax Appeal Board finds that the board of review has submitted substantial evidence, time and effort in support of its assessment. Therefore, the Property Tax Appeal Board hereby denies the appellant's motion.

In support of the overvaluation claim, the appellant submitted a grid sheet analysis detailing three comparable sales. The comparables were two-story homes of masonry construction built in either 1924 or 1937 that were located in close proximity to the subject. The homes ranged in size from 3,305 to 3,904 square feet of living area. Each of the homes had at least one fireplace. Two of the homes had central air-conditioning. The homes had garages ranging from 360 to 588 square feet of building area. The homes sold from November 2003 to June 2005 for prices ranging from \$924,500 to \$1,184,500 or from \$267.46 to \$303.41 per square foot of living area, including land. The appellant submitted the subject's final assessment from the Lake County Board of Review which reflects an estimated market value of approximately \$1,386,342 or \$333.74 per square foot of living area, including land, using the 2005 three-year median level of assessments of 33.11% for Lake County, as determined by the Illinois Department of Revenue. Based on this evidence, the

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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:	\$	313,033
IMPR.:	\$	145,985
TOTAL:	\$	459,018

Subject only to the State multiplier as applicable.

appellant requested a reduction in the subject's assessment to \$369,112.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$459,018 was disclosed. In support of the assessment, the board of review submitted an appraisal using one of the three traditional approaches to value. The appraisal contained an estimate of market value of \$1,600,000 for the subject property as of January 1, 2005. The appraiser, Larry Wicketts was not present at the hearing, however, the review appraiser, Robert H. Ross was present at the hearing to provide direct testimony and be cross-examined regarding the appraisal. The appraiser determined the subject contained a total living area of 4,154 based on an exterior inspection of the subject wherein he found a two-story brick addition was added.

The appraiser used the sales comparison approach detailing three comparable properties situated within 1.5 miles from the subject. They consisted of frame or masonry two-story style dwellings ranging in size from 3,111 to 4,194 square feet of living area. Features of each comparable included central air-conditioning, a two-car garage and one or two fireplaces. Two of the homes have a partial basement with one having some finished area. One home has a full unfinished basement. The properties sold from October 2003 to November 2004 for sales prices ranging from \$1,290,000 to \$1,712,500 or from \$324.28 to \$478.95 per square foot of living area, including land. The comparables were adjusted for site, condition, size, number of bathrooms, porches and number of fireplaces. After adjustments, the appraiser estimated the subject had a market value under the sales comparison approach of \$1,600,000, including land, as of January 1, 2005. Based on the evidence presented, the board of review requested an increase in the subject's assessment commensurate with final conclusion of value in the appraisal.

During cross-examination, Ross acknowledged that the appraisal does not depict the subject as part stucco, and that any adjustments for this would have to be modified. In addition, comparable number 3 was not adjusted for having a partial finished basement, unlike the subject. The date of inspection was not known. Ross testified that the appraisal submitted into evidence was only a "drive-by" appraisal.

The appellant argued that the board of review's comparable number 1 is in a different neighborhood than the subject, and that comparable number two is smaller than the subject. It was further argued that comparable number 3 is at least 2 miles away from the subject, not 1.5 miles as depicted in the evidence.

After hearing the testimony and considering the evidence submitted by the parties, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence.

Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2nd 1256 (2nd Dist. 2000). The Board finds the appellant has not overcome this burden.

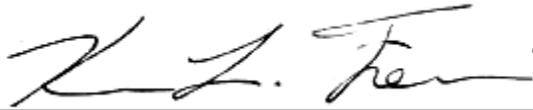
The Board finds the appellant submitted a sales grid analysis depicting three comparable sales and the board of review submitted a limited appraisal. The Property Tax Appeal Board gave the "drive-by" appraisal little weight in its analysis because the appraiser was not present to testify or subject to cross-examination regarding his methodology and final value conclusion. The Board further finds the large adjustments made within the appraisal were not supported with documentary evidence or credible testimony. The Board finds the appraisal was prepared, at least in part, by an employee of the Lake County Assessor's office, rather than by an independent source, and was given its appropriate weight in the Property Tax Appeal Board's analysis. Therefore, the Property Tax Appeal Board gives the final value conclusion and the adjustments within the appraisal little weight.

Using the raw sales data from the appraisal, the Board finds the properties within the appraisal sold from October 2003 to November 2004 for prices ranging from \$324.28 to \$478.95 per square foot of living area, including land. The board finds the appellant's comparables number 1 and 2 and the Board of review's comparables 1 and 3 were most similar to the subject in size, most features and/or age. Because of the similarities, these properties were given greater weight in the Board's analysis. These most similar properties sold from October 2003 to June 2005 for prices ranging from \$279.73 to \$408.32 per square foot of living area, including land. The subject's assessment reflects a market value of \$333.74 per square foot of living area, including land, which is at the lower end of the range established by the most similar comparables contained in this record. After considering the adjustments and differences in both parties comparables for such things as finished basement areas, number of fireplaces, lot size and exterior construction, the Property Tax Appeal Board finds the subject's assessment is supported and no reduction or increase in its assessment is supported.

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.



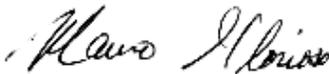
Chairman



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: March 20, 2009



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.