

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Joshua and Kelli McMahon
DOCKET NO.: 06-00287.001-R-1
PARCEL NO.: 06-32-201-075

The parties of record before the Property Tax Appeal Board are Joshua and Kelli McMahon, the appellants, and the Lake County Board of Review.

The subject property consists of a two-story style frame townhouse, built in 2003, that contains 1,484 square feet of living area. Features of the dwelling include central air-conditioning, one fireplace, an English finished basement of 322 square feet,¹ and a 420 square foot two-car garage. The property is located in Round Lake, Avon Township, Lake County.

The appellants submitted evidence to the Property Tax Appeal Board claiming unequal treatment in the assessment process and overvaluation regarding the subject's improvement assessment as the bases of the appeal. No dispute was raised concerning the land assessment.

In support of both the inequity and market value arguments, the appellants submitted information on three comparable properties all located on the same street as the subject. The comparables were all described as frame townhouses like the subject built in 2003 although comparables #1 and #2 were noted to be one-story styles whereas the subject and comparable #3 were two-story style properties. Features of the comparables included central air conditioning, basements of either 195 or 667 square feet, and garages of either 420 or 466 square feet of building area.

As to the lack of uniformity in assessments, the appellants reported that these comparables have improvement assessments of \$53,883 or \$55,265 resulting in \$28.75 or \$37.24 per square foot

¹ Appellants contend the basement area is 13' x 15' for a total of 195 square feet. The board of review included a schematic drawing and property record card reflecting a basement area of 322 square feet. Absent other evidence to establish the basement area measurements, the Board finds the property record card is the best evidence of the basement size on this record.

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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:	\$	6,898
IMPR.:	\$	56,894
TOTAL:	\$	63,792

Subject only to the State multiplier as applicable.

of living area. The subject has an improvement assessment of \$56,894 or \$38.34 per square foot of living area.

In support of the overvaluation argument, the appellants submitted sales information on the three comparables which reportedly sold between April 2004 and September 2004 for prices ranging from \$173,747 to \$191,851 or from \$93.12 to \$117.08 per square foot of living area including land. Moreover, the appellants reported that the subject property was purchased in October 2003 for \$180,808 or \$121.84 per square foot of living area including land.

By an additional letter and attached documentation, the appellants contended that the one-story dwellings set forth in their grid analysis have 390 additional square feet of living area over the subject and had a greater base purchase price of more than \$10,000 over the subject property. As such, appellants contend these comparables have a greater fair market value than the subject and thus justifies a reduction in the assessment of the subject property which has a lesser fair market value than the one-story comparables #1 and #2. Appellants also submitted four multiple listing service printouts of properties; two were described as one-story properties that sold for \$208,000 and \$209,900 in November 2005 and August 2006 and two were described as two-story properties that sold for \$189,000 each in May and July 2006. On the basis of this evidence, appellants assert that one-story properties have a greater fair market value than two-story properties.

Based on the foregoing evidence, the appellants requested the subject's total assessment be reduced to \$52,781 reflecting an improvement assessment of \$45,883 or \$30.92 per square foot of living area. As to the overvaluation argument, the requested assessment reduction to \$52,781 made by appellants based upon the 2006 three-year median level of assessments in Lake County of 33.23% would reflect an estimated fair market for the subject property of \$158,835 or \$107.03 per square foot of living area, including land as of January 1, 2006.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$63,792 was disclosed. The board of review submitted a letter and two separate grid analyses, one based on equity and one based on market value.

In support of the subject's assessment on grounds of equity, the board of review presented three comparable properties, two of which are located on the same street as the subject property. The comparables consist of two-story style frame dwellings that were built in 2002 or 2003. Features include central air conditioning, a fireplace, a finished basement of 322 square feet, and an attached garage of 420 square feet. The dwellings each contain 1,484 square feet of living area. These properties have improvement assessments of \$56,894 or \$58,188 resulting in improvement assessments of \$38.34 or \$39.21 per square foot of

living area. Based on this evidence the board of review requested the subject's total assessment be confirmed.

In support of the subject's assessment on grounds of market value, the board of review presented a grid analysis of three comparable properties with sales data, two of which were located on the same street as the subject; one of these comparables was also presented by the board of review in its equity grid. The comparables consist of two-story style frame dwellings that were built between 2002 and 2004. Features include central air conditioning, a finished basement of 322 square feet, and an attached garage of 420 square feet. One of the comparables also has a fireplace. The dwellings each contain 1,484 square feet of living area. The comparables sold between April 2004 and October 2005 for prices ranging from \$185,023 to \$197,000 or from \$124.68 to \$132.75 per square foot of living area, including land. Based on its assessment, the subject property has an estimated market value of \$191,971 or \$129.36 per square foot of living area including land, based upon Lake County's 2006 three-year median level of assessments of 33.23%. Based on this market value evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellants submitted a letter and documentation contending that after the filing of this appeal, the appellants executed a "rent-to-own" contract on the subject property. The contract was executed in January 2008 and provided, among other things, the renters could purchase the subject for \$170,000 by September 27, 2008 or they could purchase the property for \$172,000 by March 26, 2009. There was also an accompanying rental agreement for \$1,500 per month. Based on this evidence, the appellants dispute the estimated fair market value of the subject property of approximately \$191,971 as of January 1, 2006.

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 on either equity or overvaluation grounds.

One of the appellants' arguments 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 appellants have not overcome this burden.

The parties submitted a total of six equity comparables for the Board's consideration. The Board gave less weight to the appellants' comparables #1 and #2 because of their differing

story height from the subject. The Board finds the remaining four comparables presented by both parties were highly similar to the subject in terms of location, age, exterior construction, style, size and most property characteristics. These properties had improvement assessments ranging from \$55,265 to \$62,163 or from \$37.24 to \$39.21 per square foot of living area. The subject's improvement assessment of \$56,894 or \$38.34 per square foot of living area falls within this range. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's per square foot improvement assessment is equitable and a reduction in the subject's assessment is not warranted. The Board finds the evidence in the record supports the subject's improvement assessment on grounds of equity.

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.

The appellants also argued overvaluation as a basis of the 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.2d 1256 (2nd Dist. 2000). After analyzing the market evidence submitted, the Board finds the appellants have failed to overcome this burden.

The Board finds the parties submitted six comparable sales of similar properties to support their respective positions regarding alleged overvaluation of the subject property. Again, appellants' comparables #1 and #2 were given less weight in the Board's analysis due to their differing story height from the subject property. The Board finds the remaining four comparables submitted by both parties were highly similar to the subject in size, design, exterior construction, location and age. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables sold between April 2004 and October 2005 for prices ranging from \$173,747 to \$197,000 or from \$117.08 to \$132.75 per square foot of living area, including land. The subject's assessment reflects a market value of approximately \$191,971 or \$129.36 per square foot of living area, including land, using the three-year median level of assessments for Lake County of 33.23%. Since the valuation date at issue in this matter is January 1, 2006 and in the absence of further market value evidence regarding market values between 2006 and 2008, the Board finds the potential contract for deed sale of the subject property executed in January 2008 is not relevant to the subject's market value 24 months prior. Based on the totality of the evidence on this record, the Board finds the subject's 2006 assessment reflects a

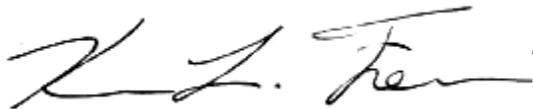
market value that falls within the range established by the most similar comparables on a per square foot basis. After considering the most comparable sales on this record, the Board finds the appellants did not demonstrate the subject property's assessment to be excessive in relation to its market value and a reduction in the subject's assessment is not warranted on grounds of overvaluation.

In conclusion, the Board finds the appellants have failed to prove unequal treatment in the assessment process by clear and convincing evidence, or overvaluation by a preponderance of the evidence, and that the subject's assessment as established by the board of review is correct and no reduction 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.



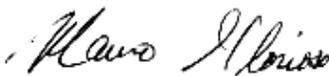
Chairman



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: June 19, 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.