

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Carol J. Midkiff¹
DOCKET NO.: 2006-00436.001-R-1
PARCEL NO.: 09-13-400-016

The parties of record before the Property Tax Appeal Board are Carol J. Midkiff, the appellant; and the Lake County Board of Review.

The subject property consists of a 6.22 acre parcel improved with a two-story, frame constructed, single family dwelling that contains approximately 2,660 square feet of living area. A portion of the dwelling was constructed in the 1920's and the home had an addition in 1969. Features of the dwelling include a full-unfinished basement and two fireplaces. The property is located in Wauconda, Wauconda Township, Lake County.

The appellant appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal prepared by real estate appraiser Steven K. Johnson of Johnson Appraisal Services. The report indicated that Johnson was an Illinois Certified Residential Appraiser. Johnson was not present at the hearing.

The appraiser estimated the market value of the subject property to be \$385,000 as of March 21, 2006. In estimating the market value of the subject property the appraiser developed the sales comparison approach. The appraiser indicated within the report that due to the age of the subject he did not develop the cost approach and due to the lack of data the appraiser did not develop the income approach to value.

The appraiser stated within the report the subject dwelling was in average condition, built with average workmanship and average materials. He also stated that the subject dwelling is dated and in need of some repairs and the exterior siding is rotting and needs replaced or sided over. He also asserted that the interior carpeting, except for two bedrooms, is old and worn, the vinyl

¹ The appeal was initially filed in the name of Carol J. Agrella. During the pendency of the appeal the appellant married, hence a name change.

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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:	\$	76,433
IMPR.:	\$	56,887
TOTAL:	\$	133,320

Subject only to the State multiplier as applicable.

flooring in the kitchen needs replaced and the windows are workable but not thermopane and should be replaced.

In the cost approach section of the appraisal, Johnson indicated that the site had a value of \$315,000. The report had no land sales to support this statement.

Under the sales comparison approach the appraiser used six comparable sales located in the Illinois cities of Wauconda, Mundelein, Hawthorn Woods, Lake Villa and Ingleside. The comparables were improved with one, one-story and five, two-story dwellings that ranged in size from 1,767 to 3,904 square feet of living area. The dwellings ranged in age from 56 to 96 years old and were located on sites that ranged in size from 2.5 to 6.0 acres. Four of the comparables had basements, five comparables had central air conditioning, four comparables had 1 or 2 fireplaces, each comparable had a 2, 3, 4, or 6-car garage. Two comparables had guest houses, one had an in-ground swimming pool and one had a heated and air conditioned outbuilding. These properties sold from February 2003 to July 2005 for prices ranging from \$355,000 to \$550,000 or from \$106.81 to \$218.68 per square foot of living area. After making adjustments to the comparables for differences from the subject, the appraiser indicated the comparables had adjusted sales prices ranging from \$375,500 to \$463,750. Based on these sales, and giving most weight to sales 1 and 2 due to their location in Wauconda, the appraiser estimated the subject property had an estimated market value of \$385,000 as of March 21, 2006.

At the hearing the appellant made reference to a message from the appellant's appraiser stating the house was contributing about \$70,000 to the value with most of the value being in the land. The appellant testified that she did not assist the appraiser and had no appraisal or assessment background.

Under cross-examination the appellant acknowledged that the property was listed on the open market in July or August 2007 for a price of \$628,999. The listing expired in August 2008. She testified that the listing price was influenced by family members, her brother and sister. The appellant explained that the property had belonged to her father and the family was trying to sell it. The appellant thought the listing price was too high but she wanted to accommodate her family. The appellant testified that no offers were received.

The board of review questioned the appellant about the appraiser's adjustments and the land value. She did not know the basis for either of these.

In rebuttal the board of review questioned the appraiser's allocation to the land value and the allocation of \$70,000 to the home. The board of review also noted there was approximately a

5% difference between the appraised value and the market value reflected by the subject's assessment.²

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$133,320 was disclosed. The subject's assessment reflects a market value of approximately \$400,000 or \$150.38 per square foot of living area.

The township assessor, Pat Oaks, was called as a witness and testified the subject land was valued based on a value of \$46,955 per acre for the first 2.5 acres and the remaining land was value at \$.67 per square foot. The assessor indicated this was a uniform practice in the subject's area. The assessor also testified the subject building was valued using the ProVal software, which is a cost approach to value.

To further support the subject's assessment, the board of review submitted information on four comparable sales. The comparables included two, one-story dwellings; one, 1.5-story dwelling; and one, two-story dwelling. The dwellings ranged in size from 1,908 to 2,544 square feet of living area and were constructed from 1960 to 1977. The comparables had parcels ranging in size from 2.32 to 5.18 acres. Three comparables had central air conditioning, three were noted to have basements, and three had garages. The properties sold from January 2004 to August 2006 for prices ranging from \$282,500 to \$635,000 or from \$148.06 to \$250.10 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After hearing the testimony and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds the evidence in the record supports the subject's assessment.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank

² There was a 3.90% difference between the appellant's appraised value and the market value reflected by the subject's assessment.

of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). The Board finds the appellant has not met this burden of proof and a reduction in the subject's assessment is not warranted.

In support of her overvaluation argument, the appellant submitted an appraisal estimating the subject had a market value of \$385,000. However, the appraiser was not present at the hearing to be cross-examined concerning the appraisal techniques and adjustments. As a result, the Property Tax Appeal Board gives diminished weight to the appraiser's conclusion of value but will consider the sales data contained within the report.

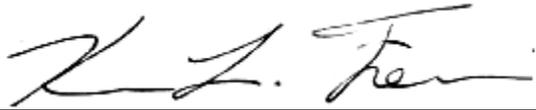
After reviewing the comparable sales contained in the record, the Board finds the appellant's appraiser's comparables 1 and 2 and the comparable sales submitted by the board of review were given the most weight due to their location, size, age and land area. These comparables were located in Wauconda, ranged in size from 1,908 to 3,904 square feet of living area and had parcels ranging in size from 2.32 to 5.2 acres. The sales occurred from January 2004 to August 2006 for prices ranging from \$282,500 to \$635,000 or from \$106.81 to \$250.10 per square foot of living area. The subject's assessment reflects a market value of approximately \$400,000 or \$150.38 per square foot of living area, land included, which is well within the range established by the most similar comparables.

The Board also finds the fact that the subject property was listed for sale in 2007 for a price of \$628,999 tends to undermine the appellant's argument that the subject had a market value of \$385,000 as of the assessment date at issue.

In conclusion, the Property Tax Appeal Board finds, based on this record, a reduction in the subject's assessment is not 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.

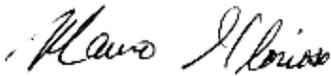
Chairman



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: April 24, 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.