



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Thomas Talpai
DOCKET NO.: 07-00593.001-R-1
PARCEL NO.: 05-04-404-002

The parties of record before the Property Tax Appeal Board are Thomas Talpai, the appellant; and the Lake County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction 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: \$26,002
IMPR.: \$49,721
TOTAL: \$75,723

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 9,300 square foot parcel improved with a two-story frame dwelling built in 1938. The subject contains 1,660 square feet of living area. Features include central air-conditioning, a partial basement with 336 square feet of finished basement area, and a 576 square foot detached garage.

The appellant appeared before the Property Tax Appeal Board claiming unequal treatment in the assessment process and overvaluation as the bases of the appeal. In support of the overvaluation argument, the appellant submitted photographs and two construction contracts depicting a cost to repair problems with the subject's improvement.

The appellant argued that the subject's value was diminished because of a heavily traveled road in close proximity to the subject; a harassing neighbor, access to the subject has been limited to one road, nearby train traffic and foundation problems. The first repair contract presented by the appellant

was for removal and replacement of the foundation footings, damp proofing, drainage and basement floor replacement at a cost of \$22,300. The second repair contract was for cabinet replacement, floor and wall removal, electrical and ceiling replacement, drywall replacement, painting and tile work for \$55,000.

The appellant did not submit comparable properties to support his inequity claim because he could not locate properties similar to the subject in size and condition. The subject property has an improvement assessment of \$57,154 or \$34.43 per square foot of living area and a land assessment of \$26,002 or \$2.80 per square foot of land area. The appellant also submitted an appraisal for rebuttal evidence to depict the subject's condition. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$83,156 was disclosed. The board of review recommended the subject's improvement be reduced to \$49,721 or \$29.95 per square foot of living area based on the cost of repairing the subject's foundation. In support of the subject's assessment, the board of review presented a grid analysis detailing three suggested comparable properties located in the same neighborhood code as the subject, as assigned by the local assessor. The comparable properties consist of one and one-half-story or two-story frame dwellings that were built from 1938 to 1943. One comparable has central air-conditioning and a fireplace. Two of the homes have a garage of either 572 or 660 square feet of building area. They have unfinished basements ranging from 960 to 1,329 square feet of basement area. The dwellings contain from 1,734 to 1,802 square feet of living area and have improvement assessments ranging from \$60,186 to \$71,748 or from \$34.20 to \$39.82 per square foot of living area.

The board of review also submitted an appraisal using two of the three traditional approaches to value. The appraisal contained an estimate of market value of \$255,000 for the subject property as of January 1, 2007. The appraiser was not present at the hearing to provide direct testimony or subject to cross-examination regarding his methodology and final value conclusion.

Using the cost approach to value the appraiser estimated the subject's site value of \$93,000 with the improvements having an estimated cost new of \$134,325. Site improvements were estimated to be \$15,000. The appraiser estimated a value under the cost approach of \$242,325 or \$242,000, rounded.

Under the sales comparison approach the appraiser used six comparable properties. Two of the six comparable sales were located in a different county than the subject. The comparables consisted of part one-story and part two-story, one and one-half-story or two-story dwellings ranging in size from 1,462 to 2,232 square feet of living area. The exterior construction of each

comparable was not disclosed. Five of the comparables have a fireplace; four have central air-conditioning and five have a one-car or two-car garage. Information regarding five of the properties depict they were built from 1943 to 1999. The comparables were situated on lots ranging from 6,250 to 15,600 square feet of land area. The properties sold from January 2006 to June 2007 for sales prices ranging from \$210,000 to \$290,000 or from \$120.97 to \$166.08 per square foot of living area, including land. The comparables were adjusted for various features not enjoyed by the subject. The exact adjustments were not disclosed. They had adjusted sales prices ranging from \$236,440 to \$286,708 or from \$105.93 to \$168.55 per square foot of living area, including land. Based on this evidence, the board of review requested a reduction in the subject's assessment to \$75,723.

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 this appeal. The Property Tax Appeal Board further finds that a reduction in the subject's assessment is warranted.

The appellant's argument in part 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 met this burden.

The appellant failed to present any evidence to support his inequity claim. The board of review presented assessment data on three land comparables and three improvement comparables. The board of review's land comparables ranged from \$2.84 to \$3.49 per square foot of land area. The subject's land assessment is \$2.80 per square foot, which is below and supported by the only land comparables submitted into this record. Therefore, the Board finds the subject's land assessment is equitable when compared to the most similar properties in this record.

The board of review also presented three improvement comparables. The Board finds these comparables were generally similar to the subject in most respects. They had improvement assessments ranging from \$34.20 to \$39.82 per square foot of living area. The board of review also recommended a reduction in the subject's improvement assessment to \$49,721 or \$29.95 per square foot of living area based on needed repairs to the subject. The Board finds that based on the condition of the subject improvement and after consideration of the necessary repairs to the foundation, the proposed improvement reduction is reasonable and proper. After applying the reduction, the subject's assessment is lower than the comparable properties. After considering adjustments

and the differences in the board of review's comparables when compared to the subject property, after applying the reduction, the Board finds the subject's per square foot improvement assessment is supported by the most comparable properties contained in this record and no further reduction is warranted on this basis.

The appellant also argued overvaluation as a basis of the appeal. 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 of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). The Board finds based on a review of the evidence no further reduction in the subject's assessment is warranted.

The appellant failed to provide supporting evidence of a diminution in value to the subject parcel as a result of the traffic, train and flooding issues. The Board finds the appellant failed to submit any evidence of similarly situated properties located in comparable market areas. The board of review considered the needed repairs and construction costs to repair the subject's foundation in its proposed assessment reduction. The only market evidence provided into the record is the appraisal submitted by the board of review. The Board gave the appraisal little weight in its analysis because the appraiser was not present to testify in support of the methodology used or the final value conclusion. The Board finds the appraisal lacks specific detail regarding various adjustments. The subject's reduced assessment reflects an estimated market value of \$228,288 or \$137.53 per square foot of living area, including land, using the 2007 three year median level of assessments for Lake County of 33.17%. After considering the raw sales data within the appraisal, the Board finds the unadjusted sales comparables contained sold for prices ranging from \$120.97 to \$166.08 per square foot of living area, including land, which supports the subject's reduced assessment on a per square foot value. Therefore, the Board finds no further reduction is warranted.

As a result of this analysis, the Property Tax Appeal Board finds the appellant has not adequately demonstrated that the subject dwelling was inequitably assessed by clear and convincing evidence. However, the Board finds the proposed reduction by the board of review is appropriate. After applying the reduction to the subject improvement, the Board finds the subject's assessment is not excessive, and therefore, no further 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.

Ronald R. Guit

Chairman

Member

Mario M. Louie

Member

Member

William R. Lerbis

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: September 24, 2010

Allen Castrovillari

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.