



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

APPELLANT: Elias Agalianos  
DOCKET NO.: 07-01439.001-R-1  
PARCEL NO.: 06-09-101-054

The parties of record before the Property Tax Appeal Board are Elias Agalianos, the appellant, and the Lake County Board of Review.

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:** \$27,442  
**IMPR.:** \$66,164  
**TOTAL:** \$93,606

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject parcel of 13,939.2 square feet of land area has been improved with a two-story single family dwelling of frame exterior construction that contains 2,144 square feet of living area. The dwelling is 8 years old. The property has a full unfinished basement, central air conditioning, a fireplace, and a 441 square foot attached garage. The property is located in Lake Villa, Lake Villa Township, Lake County.

The appellant submitted a residential appeal contending both lack of uniformity and overvaluation as the bases of the appeal as to the subject's land only; no dispute was raised concerning the subject's improvement assessment or value. Appellant reported the subject property was purchased in June 2007 for \$301,000 or \$140.39 per square foot of living area, land included, a mere six months after the valuation date of January 1, 2007 which is at issue in this appeal; a copy of the Settlement Statement was included in the appellant's evidence. The subject property, land and improvement, have an estimated market value based on the 2007 total assessment of approximately \$280,818 or \$130.98 per square

foot of living area, land included, which is substantially below its purchase price a mere six months later. In a letter, the appellant argued that the subject's land assessment was not "uniform, fair and equitable when compared to other properties in my Township."

In support of the land inequity argument, the appellant submitted a grid analysis of three comparable properties which, based upon the neighborhood codes assigned by the assessor, do not appear to be in the same neighborhood as the subject property. These three improved parcels ranged in size from 17,859.6 to 24,393.6 square feet of land area and had land assessments ranging from \$22,606 to \$23,976 or from \$0.98 to \$1.27 per square foot of land area. The subject parcel of 13,939.2 square feet has a land assessment of \$27,442 or \$1.97 per square foot of land area.

In the letter, appellant further explained after a discussion with the township assessor, the appellant examined properties in subdivisions that had been reassessed at the same time the subject was reassessed. According to appellant, this examination resulted in more inconsistencies in land assessments and to support that contention, the appellant outlined on one sheet a number of properties and next attached 37 property characteristics sheets with land size, land assessment and township data highlighted.

On the one sheet, appellant reported eight parcels larger than the subject with lower total land assessments and five parcels with identical land sizes to the subject with lower total land assessments. The eight larger parcels ranged in size from 14,374.8 to 24,393.6 square feet of land area with land assessments ranging from \$15,657 to \$23,976 or from \$0.98 to \$1.35 per square foot of land area. The five parcels identical in size to the subject had total land assessments ranging from \$19,607 to \$22,523 or from \$1.41 to \$1.62 per square foot of land area. In the letter, appellant also asserted that "no other home in my subdivision has as much land as mine, so therefore I have to look at surrounding subdivisions for my land comparables." Appellant provided no information as to the proximity of these thirteen parcels in relation to the subject parcel.

Appellant also submitted a sales ratio report obtained from the township assessor with ten sales which occurred between July 2004 and June 2007 for prices ranging from \$266,000 to \$352,000. Appellant noted the highest sale price occurred at the earliest date and that a subsequent September 2006 sale of this same property was for \$280,000. Since the assessor indicated that the three year median would be used for the 2007 assessment of the subject property, based on the sales ratio data the appellant contends the proper time period was not analyzed which would cover only 2004, 2005 and 2006.

Lastly, appellant submitted an appraisal of the subject property with an estimated market value as of December 15, 2006 of \$270,000. The appraisal was prepared by Martin Fenton of

Appraisal One in Chicago, a State Certified Residential Real Estate Appraiser. The purpose of the appraisal was for "assessor"; the appraiser did not report the sale of the subject property in the appraisal report on the grounds that the sale occurred after the reported valuation date in the report.

To arrive at an estimated fair market value for the subject property, both the land and the improvement, the appraiser utilized the sales comparison approach by analyzing five suggested improved comparable properties located from .01 to 1.16-miles from the subject property. The sales comparables sold between May and December 2006 for prices ranging from \$252,000 to \$299,900. The comparable sales parcels ranged in size from 7,696.73 to 11,325.6 square feet of land area. The appraiser did make upward adjustments for the three smallest comparable parcels; additional adjustments were made for differences in exterior construction, age, size, basement finish, garage size, fireplace and other amenities of the dwellings to the subject. After adjustments, the appraiser concluded sale prices for the comparables ranging from \$254,500 to \$288,500.

Based on this evidence the appellant requested the subject's land assessment be reduced to either \$20,793 or \$22,500 or \$1.49 or \$1.61 per square foot of land area.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$93,606 was disclosed with a land assessment of \$27,442. The subject's total assessment reflects a market value of \$282,201 when applying the 2007 three year median level of assessments for Lake County of 33.17%. The board of review submitted a copy of the Real Estate Transfer Declaration signed by the appellant indicating the subject property sold in March 2007 for a price of \$301,000. Based on this evidence, the board of review requested confirmation of the subject's assessment which reflects a market value less than its recent purchase price.

In further support of the subject's market value, the board of review presented a grid analysis with four comparable sales, four of which were identified as having the same neighborhood code assigned by the assessor as the subject. Each parcel, ranging in size from 9,583.2 to 13,068 square feet of land area, has been improved with a two-story dwelling ranging in size from 1,908 to 2,488 square feet of living area. These comparables sold between February 2006 and June 2007 for prices ranging from \$287,000 to \$335,000.

In response to the inequity argument, the board of review presented a grid analysis of the same four comparable properties presented previously as sales comparables. The four comparable parcels ranging in size from 9,583.2 to 13,068 square feet of land area have land assessments ranging from \$18,076 to \$27,260 or from \$1.89 to \$2.10 per square foot of land area. In light of the subject's land assessment of \$1.97 per square foot of land

area, the board of review requested confirmation of the subject's land assessment.

In response to the appellant's land inequity argument, the board of review noted that none of the properties presented by the appellant were located within the same subdivision as the subject; in fact, the board of review contends that many of the comparables were located in neighboring communities of Round Lake Beach and Lindenhurst.

In addressing the appraisal presented by the appellant, the board of review questioned the reliability of the data presented by the appraiser since no acknowledgement was made of the March 2007 sale of the subject property for an appraisal with a retrospective value of December 2006. The board of review further asserted that, of the five comparable sales in the appraisal, only two properties<sup>1</sup> were located within the subject's subdivision and other sales within the subject's subdivision, all four of which were presented by the board of review in its evidence, were ignored by the appraiser.

In written rebuttal, the appellant disputed the accuracy of the Real Estate Transfer Declaration sale date when compared to the closing statement for the property. Appellant further disputed the appropriateness of considering the subject's purchase price some six months after the valuation date at issue of January 1, 2007.

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 the appeal. The Board further finds the evidence in the record does not support a reduction in the subject's land assessment.

Except in counties with more than 200,000 inhabitants which 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 Illinois Supreme Court has defined fair cash value as 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). The appellant contends the subject's land assessment should be reduced based on the land assessments and sales of other properties in the township, not necessarily within the subject's subdivision.

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<sup>1</sup> While the board of review contends there was only one comparable from the subject's subdivision, it appears that sales #1 and #5 from the appraisal were within the subject's subdivision.

When an appeal is based on assessment inequity, the appellant has the burden to show the subject property is inequitably assessed by clear and convincing evidence. The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction.

The appellant submitted a number of suggested comparable properties, none of which appear to be located in close proximity to the subject property. The board of review submitted a grid analysis of four comparable properties located within the subject's subdivision where the land assessments range from \$1.89 to \$2.10 per square foot of land area. Due to their locational and size similarities to the subject parcel, the Board has given more weight to the land equity comparables presented by the board of review in its analysis. The subject's land assessment of \$1.97 per square foot of land area is within this range. After considering adjustments and the differences in both parties' land comparables when compared to the subject, the Board finds the subject's land assessment is equitable and a reduction in the subject's land assessment is not warranted on grounds of inequity.

Proof of an assessment inequity should consist of more than a simple showing of assessed values of the subject and comparables together with their physical, locational, and jurisdictional similarities. There should also be market value considerations, if such credible evidence exists. The Illinois Supreme Court in Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395, 169 N.E.2d 769, discussed the constitutional requirement of uniformity. The court stated that "[u]niformity in taxation, as required by the constitution, implies equality in the burden of taxation." (Apex Motor Fuel, 20 Ill.2d at 401) The court in Apex Motor Fuel further stated:

the rule of uniformity ... prohibits the taxation of one kind of property within the taxing district at one value while the same kind of property in the same district for taxation purposes is valued at either a grossly less value or a grossly higher value. [citation.]

Within this constitutional limitation, however, the General Assembly has the power to determine the method by which property may be valued for tax purposes. The constitutional provision for uniformity does [not] call ... for mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute in its general operation. A practical uniformity, rather than an absolute one, is the test.[citation.]" Apex Motor Fuel, 20 Ill.2d at 401.

In this context, the Supreme Court stated in Kankakee County that the cornerstone of uniform assessments is the fair cash value of

the property in question. According to the court, uniformity is achieved only when all property with similar fair cash value is assessed at a consistent level. Kankakee County Board of Review, 131 Ill.2d at 21.

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 (3<sup>rd</sup> Dist. 2002). The Board finds the evidence in the record does not support a reduction in the subject's assessment.

The appellant submitted an appraisal of the subject property with an estimated market value of \$270,000 and also referenced a sales ratio study that reflected sales prices ranging from \$266,000 to \$352,000. The board of review submitted four comparable sales within the subject's subdivision that ranged from \$287,000 to \$335,000. Additionally, the evidence establishes that the subject property sold within no more than six months of the valuation date of January 1, 2007 for \$301,000, or \$31,000 more than the value conclusion in the appellant's appraisal from December 2006. Based on the subject's actual sale price and without further explanation why the price would change so substantially within six months, the Property Tax Appeal Board does not find the value conclusion of the appraisal to be a valid indicator of the subject's market value on January 1, 2007.

As to the comparable sales presented by the parties, the Board finds the four comparables presented by the board of review were more similar in location to the subject than the appellant's suggested comparables. Due to their similarities to the subject, these comparable sales received the most weight in the Board's analysis. These comparables sold between February 2006 and June 2007 for prices ranging from \$287,000 to \$335,000, including land. The subject's assessment reflects a market value of \$282,201, including land, using the three-year median level of assessments for Lake County of 33.17%, which is below the range established by the most similar comparables and which is less than the subject's undisputed recent purchase price of \$301,000. After considering the most comparable sales on this record and the subject's purchase price, the Board finds the appellant 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 this record.

In conclusion, the Board finds the appellant has 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 land 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.

*Ronald R. Cuit*

Chairman

*K. L. Fern*

Member

*Frank A. Huff*

Member

*Mario Morris*

Member

*Shawn 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: March 23, 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.