



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

APPELLANT: Margaret Bandel
DOCKET NO.: 07-01887.001-R-1
PARCEL NO.: 07-08-401-048

The parties of record before the Property Tax Appeal Board are Margaret Bandel, 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: \$13,457
IMPR.: \$112,110
TOTAL: \$125,567

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of two-story single family dwelling of frame construction with 2,470 square feet of living area. The dwelling was constructed in 1990. Features of the property include a basement that is finished with a recreation room, central air conditioning, a fireplace and a two-car attached garage with 440 square feet. The improvements are located on a 10,071 square foot parcel in Gurnee, Warren Township, Cook County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on three comparable sales located along the same street as the subject. The comparables are improved with two-story single family dwellings that range in size from 2,470 to 2,887 square feet of living area. The appellant indicated the subject dwelling was 17 years old and the comparables range in age from 16 to 18 years old. Each comparable is described as having a basement with two being finished, each comparable has central air conditioning, each comparable has a fireplace and each comparable has a 440 square foot garage. These three properties sold from

February 2002 to March 2007 for prices ranging from \$302,000 to \$365,000 or from \$122.27 to \$126.43 per square foot of living area, land included. The appellant requested the subject's assessment should be reduced to reflect the average sales price of \$124.47 per square foot of living area, land included. The appellant requested the subject's total assessment be reduced to \$102,567.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$125,567 was disclosed. The subject's total assessment reflects a market value of \$378,556 or \$153.26 per square foot of living area, land included, using the 2007 three year median level of assessments for Lake County of 33.17%.

To demonstrate the subject's assessment was reflective of market value, the board of review provided descriptions and sales data on three comparables. The comparables were located along the same street as the subject property. These properties were improved with two-story single family dwellings that ranged in size from 2,676 to 2,871 square feet of living area. The dwellings were built from 1989 to 1991. Each comparable had a basement with two being finished, each comparable had central air conditioning, each comparable had a fireplace and each comparable had a two-car garage ranging in size from 440 to 462 square feet. These properties sold from July 2005 to October 2006 for prices ranging from \$365,000 to \$422,500 or from \$136.40 to \$153.28 per square foot of living area. The dwelling at the low end of the range did not have a finished basement. The board of review argued the subject's assessment reflects a market value within the range established by the comparables and should be confirmed.

The board of review also submitted three additional comparables to demonstrate assessment equity. Additionally, in rebuttal, the board of review also argued appellant's comparables #1 and #3 sold in February 2002 and March 2004, respectively, and were too old to be considered reflective of market value as of January 1, 2007. The board of review also stated appellant's comparable sale 2 was sold by Prudential Relocation, a relocation company, which may impact on the arm's length nature of the sale. A copy of the MLS listing on this property, submitted by the board of review, also indicated this comparable had an unfinished basement.

In rebuttal the appellant submitted sales history and a bar chart on 11 properties, including the aforementioned six comparables submitted by the parties to the appeal. The Board will not consider this evidence as it contains five additional sales, which are considered new evidence that is not permitted as rebuttal evidence pursuant to section 1910.66(c) of the rules of the Property Tax Appeal Board which provides:

Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable

properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence. (86 Ill.Admin.Code 1910.66(c)).

With respect to the appellant's comparable #2, the appellant stated this property had been on the market for over two years and that during the first year it was for sale through the owner's realtor and received no offers.

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 assessment.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. 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 the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted descriptions and sales information on six comparable sales. The Property Tax Appeal Board finds the best comparables in the record are appellant's comparable #2 and the three comparables submitted by the board of review. These four comparables are improved with two-story dwellings that range in size from 2,676 to 2,887 square feet of living area. These dwellings were similar to the subject in age. Each comparable had a basement with two being finished. Each of these properties also had central air conditioning, a fireplace and a two-car attached garage. The comparables sold from July 2005 to March 2007 for prices ranging from \$365,000 to \$422,500 or from \$126.43 to \$153.26 per square foot of living area. The two comparables with the lowest prices; comparable #2 submitted by the appellant and the board of review comparable #3, were inferior to the subject in that neither had a finished basement. The subject's total assessment of \$125,567 reflects a market value of \$378,556 or \$153.26 per square foot of living area, land included, using the 2007 three year median level of assessments for Lake County of 33.17%. The subject's total assessment reflects a market value within the range established by the best comparables in the record.

The Property Tax Appeal Board gave little weight to appellant's comparables #1 and #3 due to the sales occurring in February 2002 and March 2004, or approximately 5 and 3 years prior to the assessment date at issue.

In conclusion, the Board finds the assessment of the subject property 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

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: February 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.