



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

APPELLANT: Alexander & Carolyn Kemel
DOCKET NO.: 07-02392.001-R-1
PARCEL NO.: 16-15-303-015

The parties of record before the Property Tax Appeal Board are Alexander and Carolyn Kemel, the appellants, 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: \$ 74,665
IMPR.: \$ 297,274
TOTAL: \$ 371,939

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story single family dwelling with 3,987 square feet of living area. The dwelling is of brick exterior construction and was built in 2005. Features of the dwelling include a full basement that is partially finished, a fireplace, central air conditioning and a 704 square foot attached garage. The subject has a 13,838 square foot parcel and is located in Highland Park, Moraine Township, Lake County.

The appellants contend overvaluation with respect to the subject dwelling as the basis of the appeal. In support of this argument the appellants stated the subject dwelling was constructed in 2005 at a total cost of \$599,900. As support for this argument the appellants submitted a copy of a construction contract with Prairie Builders, Inc. indicating the contract price for the construction of the home was \$599,900. The appellants also submitted copies of cancelled checks payable to Prairie Builders totaling \$600,000 for the construction of the dwelling. Additionally, the appellants submitted a copy of the Conditional

Certificate of Occupancy issued November 18, 2005, for the subject dwelling. The appellants contend the subject improvement assessment of \$297,274, reflecting a value of \$891,911, is excessive in light of the construction costs. The appellants argued the subject improvements should have an assessment of \$199,946 to reflect the construction cost of \$599,900.

The board of review submitted its "Board of Review Notes on Appeal" wherein its assessment of the subject totaling \$371,939 was disclosed. The subject's total assessment reflects a market value of approximately \$1,121,311 or \$281.24 per square foot of living area, land included, when applying the 2007 three year median level of assessments for Lake County of 33.17%. The subject has a land assessment of \$74,665 and an improvement assessment of \$297,274.

To demonstrate the subject's total assessment was reflective of the subject's market value, the board of review submitted descriptions, the property record cards and sales prices on six comparable sales. The comparables were improved with two-story dwellings ranging in size from 3,364 to 4,479 square feet of living area. The dwellings were constructed in 2005 and 2006. These dwellings had brick, brick and stucco, stone and stucco, stone and wood siding or wood siding exteriors. Each comparable has a basement that is partially finished, each comparable has central air conditioning, the comparables have one or two fireplaces and each comparable has a garage ranging in size from 398 to 838 square feet. These properties also have parcels ranging in size from 12,001 to 17,483 square feet of land area. The sales occurred from September 2006 to June 2008 for prices ranging from \$1,122,000 to \$1,315,000 or from \$293.59 to \$334.42 per square foot of living area, land included.

The board of review also submitted descriptions, property record cards and assessment information on three comparables to demonstrate the subject was equitably assessed.

In rebuttal, the board of review argued that appellants' information with respect to the cost of construction was incomplete. The board of review stated that at the board of review hearing the appellants submitted information that the base cost of the home was \$602,400 with "options and additions priced separately".

Based on this data, the board of review requested confirmation of the subject's assessment.

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 supports the assessment of the subject property.

The appellants contend 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 board of review met this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the best evidence of market value in the record are the comparable sales submitted by the board of review. The Board finds the sales submitted by the board of review had characteristics similar to the subject property. The six comparable sales were improved with two-story dwellings ranging in size from 3,364 to 4,479 square feet of living area. The dwellings were constructed in 2005 and 2006 with brick, brick and stucco, stone and stucco, stone and wood siding or wood siding exteriors. Each comparable has a basement that is partially finished, each comparable has central air conditioning, the comparables have one or two fireplaces and each comparable has a garage ranging in size from 398 to 838 square feet. These properties also have parcels ranging in size from 12,001 to 17,483 square feet of land area. The sales occurred from September 2006 to June 2008 for prices ranging from \$1,122,000 to \$1,315,000 or from \$293.59 to \$334.42 per square foot of living area, land included. The two sales that sold most proximate in time to the assessment date at issue, board of review comparables #5 and #6, had unit prices of \$334.42 and \$303.51 per square foot of living area, land included, respectively. The subject's total assessment of \$371,939 reflects a market value of approximately \$1,121,311 or \$281.24 per square foot of living area, land included, when applying the 2007 three year median level of assessments for Lake County of 33.17%. The subject's total assessment reflects a market value below the range of the comparable sales submitted by the board of review, which demonstrates the subject's assessment is not excessive in relation to the property's total market value.

In conclusion, the Property Tax Appeal Board finds the assessment of the subject property as established by the Lake County Board of Review is correct and a reduction 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mark 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.