FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Roderick Bergin
DOCKET NO.: 07-02519.001-R-1
PARCEL NO.: 16-28-311-032

The parties of record before the Property Tax Appeal Board are Roderick Bergin, 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:	$61,010
IMPR.:	$153,392
TOTAL:	$214,402

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 10,125 square foot parcel improved with a 50 year-old, two-story style dwelling of brick and frame exterior construction that contains 2,784 square feet of living area. Features of the home include central air conditioning, a 638 square foot garage and a full unfinished basement.

The appellant appeared before the Property Tax Appeal Board claiming assessment inequity regarding the subject's land and improvements, overvaluation and contention of law as the bases of the appeal. In support of the inequity argument, the appellant submitted property characteristic sheets from the Lake County Chief County Assessment Office for four comparable properties that appear to be located in the same assessor's assigned neighborhood code as the subject. Land area of the comparables was not provided so as to permit a land assessment comparison on a per square foot or per acre basis, but the comparables had land assessments ranging from $48,808 to $77,988.

Regarding the improvement inequity contention, the comparables were described as two-story style dwellings of unspecified exterior construction that were constructed between 1952 and 1965 and range in size from 2,132 to 2,520 square feet of living area. Features of the comparables include full or partial unfinished basements and a fireplace. Three comparables were reported to have garages that contain from 462 or 528 square feet of building area, while one comparable has a garage of undetermined size. The comparables have improvement assessments ranging from $101,301 to $139,833 or from $40.20 to $61.12 per square foot of living area.

Regarding the overvaluation argument, the appellant's property characteristic sheets indicated comparable 3 sold in August 2007 for $540,000 or $224.91 per square foot of living area including land.

In support of the contention of law, the appellant submitted a five-page memorandum, citing articles in the *Chicago Tribune*, *Kiplinger's Personal Finance*, *The Economist* and *The Wall Street Journal* that discussed facets of a declining real estate market nationally and in the Chicago area. The appellant submitted no credible market evidence that the subject's assessment does not reflect its market value. Based on this evidence the appellant requested the subject's land assessment be reduced to $58,507 and its improvement assessment be reduced to $133,616 or $47.99 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of $214,402 was disclosed. The subject has an estimated market value of $646,373 or $232.17 per square foot of living area including land as reflected by its assessment and the 2007 Lake County three-year median level of assessments of 33.17%.

In support of the subject's land assessment the board of review submitted property record cards and a grid analysis of six comparable properties located in the same assessor's assigned neighborhood code as the subject. The comparable lots range in size from 10,125 to 29,580 square feet and have land assessments ranging from $53,892 to $99,396 or from $3.36 to $6.02 per square foot of land area. The subject lot contains 10,125 square feet and has a land assessment of $61,010 or $6.02 per square foot of land area.

In support of the subject's improvement assessment the board of review submitted data on the same six comparables used to support the subject's land assessment. The comparables consist of two-story style frame or brick and frame dwellings that were built between 1957 and 1965 and range in size from 2,184 to 2,784 square feet of living area. Features of the comparables include one or two fireplaces, garages that contain from 420 to 576 square feet of building area and full or partial basements, three of which have finished areas of 473 to 750 square feet. Five

comparables have central air conditioning. These properties have improvement assessments ranging from $133,874 to $159,670 or from $56.74 to $63.93 per square foot of living area.

In support of the subject's estimated market value as reflected by its assessment, the board of review submitted sales information on three of the six comparables used to support the subject's improvement assessment. The comparables sold in July 2006 for prices ranging from $660,000 to $720,000 or from $287.33 to $326.24 per square foot of living area including land.

In response to the appellant's contention of law argument, the board of review submitted a letter prepared by Beth Prager, Assistant State's Attorney for Lake County. The letter stated that assessment officials must follow provisions of the Property Tax Code in determining assessments and that "The Code does not allow anyone involved in the assessment process to consider the current state of the economy when assessing homes."

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 this appeal. The Property Tax Appeal Board further finds that a reduction in the subject's assessment is not warranted.

The appellant's first argument 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.

Regarding the land inequity contention, the Board finds the appellant failed to submit lot size information for his four comparables so as to permit a meaningful analysis of the comparables' land assessments when compared to the subject. For this reason, the Board gave little weight to the appellant's comparables. The Board finds the board of review submitted six land comparables, two of which had lot sizes and land assessments identical to the subject, at 10,125 square feet and $61,010 or $6.02 per square foot of land area. The Board finds these two identical comparables demonstrate the subject lot is equitably assessed compared to the most similar comparables in this record.

As to the improvement inequity contention, the Board finds all ten comparables submitted by the parties were located in the subject's neighborhood and were generally similar to the subject in design, age, size and most features. The comparables had improvement assessments ranging from $40.20 to $63.93 per square foot of living area. The subject's improvement assessment of $55.10 per square foot of living area falls within this range, is

the second lowest improvement assessment of all ten homes in the record and further, is below three of the appellant's own comparables. Therefore, the Board finds the evidence in this record supports the subject's assessment.

The appellant also argued overvaluation as a basis of the appeal. When market value is the basis of the appeal, the value 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). After analyzing the market evidence submitted, the Board finds the appellant has failed to meet this burden.

The Board finds the parties submitted a total of four comparable sales. The board of review's three comparables were somewhat smaller in living area, but were generally similar to the subject in location, design, exterior construction, age and most features. The four comparable sales in this record sold for prices ranging from $224.91 to $326.24 per square foot of living area including land. The subject's estimated market value as reflected by its assessment of $232.17 per square foot of living area including land falls near the bottom of this range.

Regarding the appellant's contention of law, the Board finds the appellant cited no statute that has purportedly been violated by Lake County assessment officials. The Board further finds articles dealing with national or regional real estate market trends do not, in and of themselves, demonstrate the subject's land and improvement assessments or estimated market value are incorrect, as demonstrated by the above analysis.

In conclusion, the Board finds the appellant has failed to prove either assessment inequity regarding the subject's land or improvements by clear and convincing evidence, or overvaluation by a preponderance of the evidence. The Board further finds the appellant's contention of law, based on general observations concerning real estate valuation trends nationally and regionally, fails to demonstrate the subject's assessment is not reflective of its market value as of the January 1, 2007 assessment date at issue in this appeal. Based on this analysis, the Property Tax Appeal Board finds the subject's assessment as determined 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.

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: December 3, 2010

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.