



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

APPELLANT: Shahnawaz Khan
DOCKET NO.: 07-02685.001-R-1
PARCEL NO.: 07-21-101-012

The parties of record before the Property Tax Appeal Board are Shahnawaz Khan, 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: \$35,068
IMPR.: \$130,306
TOTAL: \$165,374

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 14,810 square foot parcel improved with a ten year-old, two-story style frame dwelling that contains 3,004 square feet of living area. Features of the home include central air conditioning, a 691 square foot garage and a partial unfinished basement.

The appellant appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal of the subject property with an effective date of August 19, 2008. The appraiser's estimate of the subject's market value was not evident on the copy of the report submitted into evidence, but the appellant testified he thought the value was around \$400,000. The appraiser, who was not present at the hearing to provide testimony or be cross-examined, used only the sales comparison approach, wherein he examined three comparable properties located 1.1 miles or more from the subject. The comparables consist of colonial style dwellings that range in age from 7 to 10 years and range in size from 2,926 to 3,886 square feet of living area.

The comparables have features that include central air conditioning, a fireplace, full or partial basements with dens or recreation rooms and two-car or three-car garages. The properties were reported to have sold between March and May 2008 for prices ranging from \$439,900 to \$477,900 or from \$121.48 to \$150.34 per square foot of living area including land. The appraiser made adjustments to the comparables' sales prices for various differences when compared to the subject. After adjustments, the comparables had adjusted sales prices ranging from \$418,000 to \$446,900 or from \$114.62 to \$152.73 per square foot of living area including land. Again, the appraisal's estimate of value for the subject was not evident on the copy submitted.

The appellant also submitted a grid analysis of four additional comparable properties. The comparables consist of two-story or part one-story and part two-story frame dwellings that range in age from 10 to 29 years and range in size from 2,360 to 3,117 square feet of living area. Features of the comparables include central air conditioning, a fireplace, garages that contain from 609 to 812 square feet of building area and full or partial basements, two of which were reported to have finished areas of 896 and 1,310 square feet, respectively. The comparables sold between June 2005 and May 2006 for prices ranging from \$380,000 to \$430,000 or from \$123.52 to \$162.39 per square foot of living area including land. Based on this evidence, the appellant requested the subject's assessment be reduced to \$140,000, reflecting a market value of approximately \$420,000.

During the hearing, the appellant testified he attempted to market the subject in 2008 and the best offer he got was \$389,000. He acknowledged the comparables he submitted were located one to two miles from the subject.

The board of review submitted its Board of Review Notes on Appeal wherein the subject's total assessment of \$165,374 was disclosed. The subject has an estimated market value of \$498,565 or \$165.97 per square foot of living area including land, as reflected by its assessment and Lake County's 2007 three-year median level of assessments of 33.17%.

In support of the subject's estimated market value as reflected by its assessment, the board of review submitted property record cards and a grid analysis of five comparable sales, two of which are located on the subject's street and block. The comparables consist of two-story style frame, frame and brick, or frame and dryvit dwellings that range in age from 4 to 13 years and range in size from 2,902 to 3,378 square feet of living area. Features of the comparables include central air conditioning, one or two fireplaces, garages that contain from 576 to 789 square feet of building area and full basements, four of which contain finished areas ranging from 720 to 1,800 square feet. The comparables sold between September 2006 and August 2007 for prices ranging from \$485,000 to \$600,000 or from \$167.13 to \$177.62 per square

feet of living area. Based on this evidence, the board of review requested the subject's assessment be confirmed.

During the hearing, the board of review's representative called the deputy township assessor as a witness. The witness testified she is familiar with the subject's subdivision, which consists of one street with a cul-de-sac. The deputy assessor testified the appellant's comparables, as well as the board of review's comparable sales 3, 4 and 5 are dissimilar in location when compared to the subject and the board of review's comparables 1 and 2.

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 no reduction in the subject property's assessment is warranted.

The appellant contends overvaluation as the 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 first finds the appellant submitted an appraisal of the subject property, but gave the report little weight because it contained no estimated market value for the subject, had an effective date of August 2008, which is well after the subject's assessment date of January 1, 2007 and utilized comparable sales located over a mile from the subject and which took place in 2008. Additionally, the appraiser was not present to provide testimony and be cross-examined.

The Board next finds the parties submitted nine comparable sales. The Board gave less weight to the appellant's four comparables and the board of review's comparables 3, 4 and 5 because, while they were similar in many other respects, they were not proximate in location when compared to the subject, based on the testimony of the deputy township assessor. The Board finds the board of review's comparables 1 and 2 were located on the subject's street and block and were similar to the subject in terms of design, exterior construction, size and most features. These most representative properties sold for prices of \$532,000 and \$600,000 or \$170.79 and \$177.62 per square foot of living area including land. The subject's estimated market value as reflected by its assessment of \$498,565 or \$165.97 per square foot of living area including land falls below the two most similar comparables in this record. After considering adjustments and differences in both parties' comparables when compared to the subject, the Board finds the evidence in the record supports the subject's assessment.

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.