



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

APPELLANT: Sharon K. Carmody
DOCKET NO.: 07-03488.001-R-1
PARCEL NO.: 08-04-108-008

The parties of record before the Property Tax Appeal Board are Sharon K. Carmody, the appellant; and the Lake County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction 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: \$13,571
IMPR.: \$37,376
TOTAL: \$50,947

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is a one-story brick dwelling containing 1,246 square feet of living area that was built in 1957. Features include central air-conditioning, a fireplace and an attached 1,344 square foot garage.

The appellant appeared before the Property Tax Appeal Board claiming overvaluation and unequal treatment in the assessment process as the bases of the appeal. In support of these claims, the appellant submitted a grid analysis detailing four comparable properties, a letter and property characteristic sheets. The appellant is not disputing the subject's land assessment. The comparables are located in Waukegan Township. One comparable is located in the same neighborhood code as the subject, as assigned by the local assessor. They consist of one-story brick or frame dwellings that were built from 1946 to 1955. The homes have central air conditioning, a fireplace and a garage. The garages ranged from 312 to 620 square feet of building area. Three of the homes have full unfinished basements. The comparables range in size from 1,273 to 1,720 square feet of living area and have

improvement assessment ranging from \$31,562 to \$41,052 or from \$23.87 to \$29.68 per square foot of living area. The subject property has an improvement assessment of \$46,051 or \$36.96 per square foot of living area.

Sales information provided by the appellant indicates one of the homes sold in June 2007 for \$129,000 or \$75.00 per square foot of living area, including land. The evidence depicts the subject sold in July 2006 for \$199,000 or \$159.71 per square foot of living area, including land. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$59,622 was disclosed. In support of the subject's assessment, the board of review submitted a brief, an Illinois Real Estate Transfer Declaration sheet, photographs, a grid analysis detailing seven suggested comparable properties, property record cards and a map. The comparables are located in the subject's neighborhood code, as assigned by the local assessor. The comparables are one-story frame, brick or stucco dwellings that were built from 1947 to 1966. Two of the comparables have central air conditioning; three have a fireplace and one has a basement. Each of the homes has a garage. The garages range in size from 512 to 956 square feet of building area. The dwellings range in size from 1,094 to 1,398 square feet of living area. Assessment information for four of the comparables depicts improvement assessments ranging from \$40,871 to \$53,307 or from \$30.59 to \$42.71 per square foot of living area.

The evidence depicts three of the comparables sold from may 2006 to June 2007 for prices ranging from \$159,888 to \$168,700 or from \$121.30 to \$154.20 per square foot of living area, including land. The subject's total assessment of \$59,622 reflects an estimated market value of approximately \$179,747 or \$144.26 per square foot of living area, including land, using the 2007 three year median level of assessments of 33.17% for Lake County as determined by the Illinois Department of Revenue.

The Illinois Real Estate Transfer Declaration sheet submitted by the board of review depicts the subject was purchased in July 2006 for \$199,000 or \$159.71 per square foot of living area, including land. The Transfer Declaration sheet also depicts the subject was not advertised for sale or sold using a real estate agent. Based on this evidence, the board of review requested a reduction in the subject's 2007 assessment to \$50,947.

After hearing the testimony and considering the evidence the Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The appellant contends assessment inequity as one basis of the appeal. 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 assessments 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 met this burden.

The Board finds the parties submitted seven equity assessment comparables for consideration. The Board gave less weight in its analysis to the appellant's comparable #4 and the board of review's comparables #1, #2 and #3 because they were dissimilar to the subject in exterior construction. The remaining two equity comparables were generally similar to the subject and had improvement assessments of \$23.87 and \$32.12 per square foot of living area, respectively. The subject's assessment of \$36.96 is above this range. The Board finds the board of review's proposed reduction in the subject's assessment to \$50,947 is reasonable. This reduction would result in the subject having an improvement assessment of \$37,376 or \$30.00 per square foot of living area, which is within the range established in this record by the most similar comparables.

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. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2nd 1256 (2nd Dist. 2000). Based on the evidence submitted, the Board finds no further reduction is warranted.

The Board gave less weight to the subject's purchase price of \$199,000 in July 2006 because the evidence indicates this may not have been an open arm's length transaction because the Transfer Declaration sheet depicts the subject was not advertised for sale or sold using a real estate agent. Further, the subject's current 2007 assessment reflects an estimated market value of approximately \$179,747, which is less than its purchase price just six months prior. Using the proposed assessment of \$50,947 reflects a market value for the subject of approximately \$153,594 or \$123.27 per square foot of living area, including land. The comparable sales submitted by both parties depicted a sales price range from \$75.00 to \$154.20 per square foot of living area, including land. The subject's estimated per square foot value as proposed by the board of review is within this range. Therefore, the Board finds a preponderance of the evidence indicates no further reduction is warranted on this basis.

Based on this analysis, the Property Tax Appeal Board finds the appellant has demonstrated a lack of uniformity in the subject's assessment by clear and convincing evidence. With regard to the appellant's overvaluation argument, the Board finds a further reduction beyond that proposed by the board of review and justified based on the uniformity analysis contained herein is not justified. Therefore, the Board finds the subject property's assessment as established by the board of review is incorrect and a reduction is warranted commensurate with the proposed reduction.

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 M. Louie

Member

Shawn P. 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: December 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.