



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

APPELLANT: The Terraces of Mulberry
DOCKET NO.: 08-02515.001-R-3 through 08-02515.036-R-3
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are The Terraces of Mulberry, the appellant, by attorney Jerrold H. Mayster, of Mayster & Chaimson, Ltd. in Chicago; 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
08-02515.001-R-3	16-26-202-019	18,467	212,375	\$230,842
08-02515.002-R-3	16-26-202-020	19,853	228,316	\$248,169
08-02515.003-R-3	16-26-202-021	12,219	140,521	\$152,740
08-02515.004-R-3	16-26-202-022	10,734	123,436	\$134,170
08-02515.005-R-3	16-26-202-023	12,510	143,873	\$156,383
08-02515.006-R-3	16-26-202-024	13,371	153,765	\$167,136
08-02515.007-R-3	16-26-202-025	14,331	164,800	\$179,131
08-02515.008-R-3	16-26-202-026	10,747	102,104	\$112,851
08-02515.009-R-3	16-26-202-027	11,160	128,341	\$139,501
08-02515.010-R-3	16-26-202-028	18,467	212,375	\$230,842
08-02515.011-R-3	16-26-202-029	19,853	228,316	\$248,169
08-02515.012-R-3	16-26-202-030	12,219	140,521	\$152,740
08-02515.013-R-3	16-26-202-031	10,734	123,436	\$134,170
08-02515.014-R-3	16-26-202-032	12,510	143,873	\$156,383
08-02515.015-R-3	16-26-202-033	14,160	162,838	\$176,998
08-02515.016-R-3	16-26-202-034	15,603	179,433	\$195,036
08-02515.017-R-3	16-26-202-035	10,747	102,104	\$112,851
08-02515.018-R-3	16-26-202-036	11,160	128,341	\$139,501
08-02515.019-R-3	16-26-202-037	18,467	212,375	\$230,842
08-02515.020-R-3	16-26-202-038	19,853	228,316	\$248,169
08-02515.021-R-3	16-26-202-039	12,298	141,420	\$153,718
08-02515.022-R-3	16-26-202-040	22,895	257,579	\$280,474
08-02515.023-R-3	16-26-202-041	25,341	285,088	\$310,429
08-02515.024-R-3	16-26-202-042	21,318	245,155	\$266,473

08-02515.025-R-3	16-26-202-043	18,467	212,375	\$230,842
08-02515.026-R-3	16-26-202-044	19,853	228,316	\$248,169
08-02515.027-R-3	16-26-202-045	15,269	175,590	\$190,859
08-02515.028-R-3	16-26-202-046	20,578	231,509	\$252,087
08-02515.029-R-3	16-26-202-047	16,804	189,045	\$205,849
08-02515.030-R-3	16-26-202-048	21,318	245,155	\$266,473
08-02515.031-R-3	16-26-202-049	18,467	212,375	\$230,842
08-02515.032-R-3	16-26-202-050	19,853	228,316	\$248,169
08-02515.033-R-3	16-26-202-051	15,269	175,590	\$190,859
08-02515.034-R-3	16-26-202-052	16,883	189,925	\$206,808
08-02515.035-R-3	16-26-202-053	16,150	160,499	\$176,649
08-02515.036-R-3	16-26-202-054	21,318	245,155	\$266,473

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a seventeen year-old, five-story brick constructed condominium building that contains 36 units. The individual condominiums range in size from 1,510 to 3,565 square feet of living area. The subject is located in Highland Park, Moraine Township, Lake County.

Through its attorney, the appellant appeared before the Property Tax Appeal Board claiming assessment inequity based on a sales-ratio argument as the basis of the appeal. In support of this argument, the appellant submitted Exhibit A, which is a list of five sales of condominiums within the subject development. The comparables sold from January 2006 to November 2007 for prices ranging from \$310,000 to \$720,000. After subtracting personal property, the appellant argued the net purchase prices of the five comparables range from \$303,800 to \$705,000. The appellant claimed these same comparables had 2008 assessments ranging from \$112,851 to \$248,169. The appellant claimed the assessment levels of these comparables ranged from 32.7% to 38.9% with an average of 36.3%. The appellant also submitted Exhibit B, which is a list of the proposed assessments for all units within the subject condominium development. Based on this evidence, the appellant requested the assessments of all 36 units in the development be reduced 9.81%, to 90.19% of the assessments proposed by the board of review to \$6,749,089 to reflect the statutory assessment level for non-farm property of 33.33% of market value.

During the hearing the appellant's counsel acknowledged a revised Exhibit B was in order to reflect errors in the original schedule. The revised exhibit requested the total assessment for all units be reduced to \$6,797,991. The appellant's attorney acknowledged under questioning by the Hearing Officer that his fee was contingency-based on the outcome of the appeal. The

appellant also withdrew the personal property component and agree the gross sales prices of the comparables it submitted were appropriate for the Property Tax Appeal Board to consider in its ruling.

In cross-examination by the board of review's representative, the appellant's attorney acknowledged he ignored sales that occurred in 2005 within the Terraces of Mulberry because he considered 2005 sales to be in a different market than the sales he included in his evidence. The appellant's attorney also acknowledged he compiled and prepared the evidence used to support the appellant's appeal.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment was disclosed. In support of the subject's assessment, the board of review submitted a letter, a list of all sales (nine) from the subject's condominium building that occurred in the three years prior to the assessment date at issue in this appeal, property record cards and Real Estate Transfer Declarations that document these sales. This list includes the appellant's comparables. All the comparables sold from August 2005 to November 2007 for prices ranging from \$310,000 to \$825,000. These condominiums had assessments that range from \$103,323 to \$248,169, from which assessment levels ranging from 24.95% to 35.78% were derived. The average assessment level of all nine sales is 32.38%. The board of review argued that the Property Tax Appeal Board has in past rulings, such as in Docket Number 01-01248.001-R-1, a copy of which was submitted with the board of review's evidence, found the county-wide sales ratio is the better measure of assessment accuracy. The board of review also argued three of the appellant's comparables had their assessments reduced by the board of review from the levels cited in the appellant's petition. The board of review asserted the Real Estate Transfer Declarations for the appellant's sales indicate no personal property was transferred and argued the Property Tax Appeal Board should consider the raw sales prices of all comparables in any sales ratio analysis. Based on this evidence, the board of review requested the subject's assessment be confirmed.

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 argument was unequal treatment in the assessment process based on a sales-ratio argument as the 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 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.

With respect to the sales ratio analysis submitted by the appellant to demonstrate the subject is inequitably assessed, the Board finds the courts have held that in determining whether to use a neighborhood, township or county sales ratio, considerations of practicality dictate the use of the county ratio. People ex rel. Kohorst v. Gulf, Mobile & Ohio R.R. Co., 22 Ill.2d 104, 174 (1961). The courts look to the county as a whole in order to determine whether the property at issue is being assessed in accordance with the constitutional guaranty of equity and uniformity of taxation. Furthermore, the courts have held that "even if the studies show a disparity in the levels of assessment of residential property within the same township, we cannot find that the evidence shows that a township level of assessment, rather than a countywide level, is the proper one." In re App. Of County Treasurer (Twin Manors), 175 Ill.App.3d 562, (1st Dist. 1988). Thus, a review of case law indicates that the courts look at the "assessment level for the county as a whole" rather than selective sales in a given market area, as the appellant did in its assessment to sales ratio analysis. In the instant appeal, the appellant examined only selected sales within the subject's condominium building, ignoring other sales that occurred within the subject building. Therefore, the appellant's study cannot be said to demonstrate by clear and convincing evidence that some condominiums within the subject property were assessed at a disproportionately higher level of fair market value than other properties located within the same taxing jurisdiction, or even within the same condominium building.

The Property Tax Appeal Board further finds the appellant's sales ratio analysis is flawed in that it was not performed on a countywide basis, the sales used were not selected at random and the appellant did not properly edit the data. Additionally, the Board finds the methodology employed by the appellant in calculating the sales ratio analysis is in error. The appellant ignored four sales submitted by the board of review that occurred in 2005 that were within the subject's condominium building because he claimed the earlier sales were in a different market. However, the appellant submitted no credible market evidence to demonstrate any discernable difference between sales that occurred in 2005, 2006, or 2007. The Board also finds it problematic that the appellant's attorney compiled and prepared the appellant's evidence, also representing the appellant at hearing, and further, that the attorney's fee was contingent on the outcome of the appeal. This calls into question the attorney's objectivity. The Board further finds that the board of review submitted four sales within the subject building that occurred in 2005, some of whose sales ratios were well below the statutory level. After including all nine sales that had occurred within three years of the assessment date at issue, the board of review determined the average sales ratio was 32.38%, which is slightly below the statutory assessment level of 33.33% and is also below the Lake County 2008 three year median level of

assessments of 33.23%. Based on this analysis, the Property Tax Appeal Board finds the appellant's narrowly-focused sales ratio analysis, based on five sales within the subject's condominium building while ignoring four other sales in the building and on other sales within the county as a whole, is insufficient to prove inequity.

In conclusion, the Board finds the appellant has failed to prove assessment inequity by clear and convincing evidence and 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario M. Louie

Member

Shawn 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: August 19, 2011

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.