



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

APPELLANT: Charles Dickson
DOCKET NO.: 09-01404.001-R-1
PARCEL NO.: 12-09-302-001

The parties of record before the Property Tax Appeal Board are Charles Dickson, 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: \$177,938
IMPR.: \$101,372
TOTAL: \$279,310

Subject only to the State multiplier as applicable.

ANALYSIS

The subject heavily wooded parcel contains approximately 1.74-acres or 75,700 square feet of land area and is located in the Shore Acres golf course community of Lake Bluff. The parcel is within walking distance of Lake Michigan and has an easement allowing lake and beach access. The parcel is improved with a 1.5-story frame single-family dwelling that was built in 1978 which is served by well and septic. The home contains approximately 3,293 square feet of above-grade living area and features a partial unfinished basement, partial air conditioning, a fireplace and a two-car garage. The property is located in Lake Bluff, Shields Township, Lake County.

In support of this overvaluation complaint, the appellant filed an appraisal with the Property Tax Appeal Board. The appraisal prepared by Shelley R. Barnes, a State Certified Residential Real Estate Appraiser, provides an estimated market value of \$850,000 for the subject property as of January 1, 2009.

As to the dwelling, the appraiser noted about ten years ago the kitchen was remodeled with newer cabinets, counters, sink, appliances, electrical fixtures and floor and the bath was

remodeled with newer fixtures, vanities, floor and wall tile. The appraiser also found some areas to have dated wall finish and/or wallpaper. About ½ of the home has air conditioning which the appraiser found to be a form of functional obsolescence. In addition, the majority of the closets were shallow.

In analyzing the market conditions, the appraiser found that the available supply of properties has increased in the past twelve months and based on an analysis of the market, the prices appear to have taken a downward trend over the past three years (see addendum). Based on analysis of this data, the appraiser opined that this was a declining market, but a 12% decline in values was a more accurate reflection of the market and for this appraisal, a negative 1% per month adjustment was applied in the sales comparables with contract dates in excess of 90 days.

The appraiser set forth four suggested sales and two listings as suggested comparables. The parcels range in size from 35,719 to 104,108 square feet of land area. Two were said to be "residential" and four were described as "similar" to the subject in view. The properties were location from .96 to 4.4-miles from the subject and were improved with either 1.5-story or 2-story frame or brick exterior constructed dwellings. The homes range in age from 12 to 50 years old as estimated by the appraiser. The dwellings range in size from 3,073 to 5,145 square feet of living area. Five of the comparables have full or partial basements, two of which include finished area. Each dwelling has central air conditioning, one to three fireplaces, and a two-car to four-car garage. Two of the comparables also enjoy a Florida room.

Four of the comparables sold from January to August 2008 for purchase prices ranging from \$950,000 to \$1,380,000 or from \$220.01 to \$416.67 per square foot of living area including land. The two listings had asking prices of \$1,250,000 and \$919,000, respectively, or \$391.60 and \$299.06 per square foot of living area including land. The appraiser made adjustments to the comparables for differences in date of sale/time, location, acreage, view, exterior construction, room count, living area square footage, basement size and/or basement finish, functional utility (public water/sewer) and differences in other amenities from the subject which were discussed in detail in an addendum. After adjustments, the appraiser concluded adjusted sale prices for the comparables ranging from \$834,200 to \$1,099,200 or from \$173.97 to \$344.36 per square foot of living area including land. The appraiser then concluded an estimated fair market value of the subject of \$850,000 or approximately \$258.12 per square foot of living area including land.

Based on this evidence, the appellant requested a total assessment for the subject property of \$250,000 which would reflect a market value of approximately \$750,000.

The board of review submitted its "Board of Review Notes on Appeal" as required by the Property Tax Appeal Board wherein the

subject's final assessment of \$333,300 was disclosed. The final assessment of the subject property reflects a market value of approximately \$1,014,303 or \$308.02 per square foot of living area including land using the 2009 three-year median level of assessments for Lake County of 32.86% as determined by the Illinois Department of Revenue. In addition, the board of review proposed to reduce the subject's total assessment to \$319,251 or a market value of approximately \$957,753 or \$290.85 per square foot of living area, including land.

The appellant was informed of this proposed assessment reduction and given 30 days to respond if the offer was not acceptable. The appellant responded to the Property Tax Appeal Board within the time allotted and rejected the proposed assessment reduction.

As requested, the board of review was then granted a brief extension of time to submit its evidence in support of the subject's assessment wherein the board of review requested confirmation of the subject's assessment of \$333,300. In a cover letter, the board of review indicated the subject property was listed for sale in March 2009 for \$1,050,000.¹

As to the appellant's appraisal evidence, the board of review noted that two of the comparables were listings, not closed sales and five of the six comparables in the report were located in Lake Forest, not Lake Bluff and none were near Lake Michigan like the subject. As a final criticism, the board of review asserts that substantial time adjustments were not warranted when the sales occurred within four to twelve months of the valuation date.

In a grid analysis, the board of review presented four comparable sales from the subject's Lake Bluff market area, although none have lake access or large sites like the subject. The properties are said to be from 1.43 to 1.58 miles from the subject. The parcels range in size from 8,129 to 9,871 square feet of land area. Each parcel is improved with a 1.75-story or 2-story dwelling of frame, brick or frame and stucco exterior construction. The comparables range in age from 4 to 23 years old and range in size from 2,811 to 3,450 square feet of living area. Each comparable has a full or partial basement, three of which include finished area. The homes have central air conditioning, one or two fireplaces and a garage. The comparables sold between January 2008 and March 2009 for prices ranging from \$925,000 to \$1,050,000 or from \$268.12 to \$368.20 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

¹ The board of review submitted a copy of the Multiple Listing Service sheet reflecting the property was taken off the market in September 2009 without having been sold. The board of review also submitted a second listing sheet reflecting an asking price of \$999,000 when the property was listed in April 2012.

After reviewing the record and considering the evidence submitted by the parties, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

The appellant argued that the subject's assessment was not reflective of market value. 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). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code §1910.65(c). The Board finds this burden of proof has been met and a reduction in the subject's assessment is warranted.

The Board finds the appellant submitted an appraisal of the subject property with a final value conclusion of \$850,000, while the board of review submitted comparable sales data in support of the subject's assessment. The Property Tax Appeal Board finds that, despite the board of review's limited criticisms, the appraisal submitted by the appellant estimating the subject's market value of \$850,000 is the best evidence of the subject's market value in the record and is further supported by the most recent similar sale suggested by the board of review which occurred in March 2009, but which was newer than the subject and had a full basement not enjoyed by the subject. The Property Tax Appeal Board further finds that the appraiser adjusted the comparables for numerous differences in order to arrive at a value conclusion and articulated reasons for those adjustments. In conclusion, the appraisal submitted by the appellant estimating the subject's market value of \$850,000 is the best evidence of the subject's market value in the record.

Based upon the market value as stated above, the Property Tax Appeal Board finds that a reduction is warranted. Since market value has been established, the three-year median level of assessments for Lake County for 2009 of 32.86% shall be applied.

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

Frank J. Huff

Member

Mario Morris

Member

JR

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: March 22, 2013

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.