



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

APPELLANT: Mikhail Pekarski
DOCKET NO.: 09-02526.001-R-1
PARCEL NO.: 14-29-209-006

The parties of record before the Property Tax Appeal Board are Mikhail Pekarski, 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: \$25,586
IMPR: \$81,209
TOTAL: \$106,795**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is a 9,788 square foot parcel improved with a 2-story dwelling of frame construction containing approximately 1,750 square feet of living area¹. The dwelling is 22 years old. Features of the home include a partial basement with finished area, central air conditioning and a multi-car garage.

The appellant contends that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal. In support of the overvaluation argument, the appellant submitted an appraisal report in which a market value of \$315,000, or \$180.00 per square foot of living area including land, was estimated for the subject property as of June 17, 2009, 5½ months after the assessment date of January 1, 2009. The appraiser developed the sales comparison approach in estimating the market value of the subject property. The appraiser considered six comparable properties, four of which were sales and two of which were listings. These comparables were located between 0.3 of a mile and 0.97 of a mile from the subject. The lot sizes for these comparables range from 8,754 to 11,238 square feet of land area. The comparables are either 2-

¹ The appraiser claims the subject contains 1,752 square feet of living area and submitted a detailed schematic with dimensions to support the claim. The board of review claims the subject contains 1,739 square feet of living area and submitted a detailed schematic with dimensions to support the claim.

story or split-level type dwellings that range in size from 1,544 to 2,208 square feet of living area. The comparables are either 21 or 22 years old. Comparables #1, #2, #3 and #4 sold between June 2008 and June 2009 for unadjusted prices ranging from \$305,000 to \$360,000, or from \$156.25 to \$198.39 per square foot of living area including land. Comparables #5 and #6 were listed for sale at \$319,900 and \$348,000 or \$188.84 and \$166.51 per square foot of living area including land. The comparables feature full or partial basements with finished areas, central air conditioning and multi-car garages. Four comparables feature fireplaces. Based on this evidence, the appellant requested that the subject's total assessment be reduced to \$105,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$113,975 was disclosed. The subject's assessment reflects a market value of \$346,850 or \$198.20 per square foot of living area, land included, using the 2009 three-year median level of assessments for property in Lake County of 32.86% as determined by the Illinois Department of Revenue, and using 1,750 square feet of living area.

In support of their estimate of market value, the board of review submitted a location map, photographs, and property record cards for six comparable properties which range in age from 20 to 22 years old. The dwellings range in size from 1,694 to 1,990 square feet of living area. The lots range in size from 8,640 to 11,780 square feet of land area. All six comparables are 2-story frame homes. Five comparables feature full or partial basements, four of which have finished area. All have multi-car garages and central air conditioning. Five comparables have 1 or 2 fireplaces. The comparables sold between August 2007 and August 2008 for prices ranging from \$319,000 to \$387,500 or from \$188.31 to \$224.91 per square foot of living area including land.

The board of review takes issue with the appraiser's adjustment for the sale dates of the comparables. The board of review claims the adjustment is inaccurate since it relates to a time over 6 months after the January 1, 2009 assessment date. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 the evidence in the record supports a reduction in the subject's assessment.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal, the value must be proven 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 of the subject property, a recent sale of

the subject property or comparable sales. (86 Ill.Admin.Code 1910.65(c)). After an analysis of the evidence in the record, the Board finds 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 \$315,000 or \$180.00 per square foot of living area including land. The appraiser relied primarily upon comparable sales, but only adjusted one comparable's sale price for the date of sale making the value conclusion drawn from this data unreliable.

Comparables #1 and #5 submitted by the appellant in the appraisal report were split-level dwellings, and comparables #5 and #6 were listings, not sales. Therefore these comparables received little weight in the Board's analysis.

The board of review questions the appraiser's sale date adjustment for comparable #3, claiming it should be removed. The board of review's comparable #6 was sold twice, once in April 2007 for \$440,000 and once in March 2008 for \$387,500. This is a decrease of 11.93% in 11 months, or 1.08% per month. The appellant's comparable #3 was sold June 25, 2008, six months prior to the January 1, 2009 assessment date. Since 2008 begins the correction in the real estate market and real estate prices are decreasing over this time period, comparable #3 should be adjusted negatively 1.08% per month, or -6.48% over the six month period between the assessment date and the sale date. Therefore, the Board finds the correct adjustment for comparable #3's sale date is -\$22,356, or -6.48% of \$345,000. Combined with the other adjustments for basement and fireplace, the adjusted sale price for comparable #3 should be \$324,644 or \$186.68 per square foot of living area including land.

Similarly, appellant's comparables #2 and #4 should be adjusted for the date of sale. Comparable #2 sold April 29, 2009, four months after the January 1, 2009 assessment date. Since the market is decreasing, this adjustment should be a positive adjustment of 4.32%, or +\$14,904. Combined with the other adjustments for number of rooms, basement size and finish, square footage and fireplace, the adjusted sale price for comparable #2 should be \$326,904 or \$148.05 per square foot of living area including land. Appellant's comparable #4 sold June 9, 2009, five months after the January 1, 2009 assessment date. Since the market is decreasing, this adjustment should be a positive adjustment of 5.40%, or +\$16,470. Combined with the other adjustments for square footage, basement size and finish, screened porch and fireplace, the adjusted sale price for comparable #2 should be \$323,470 or \$209.50 per square foot of living area including land. The appraiser did not adjust either comparable #2 or #4 for date of sale. After applying the correct adjustments for the sale dates of the three most similar comparables submitted by the appellant, the Board finds these comparables have adjusted sale prices of \$323,470, \$324,644, and \$326,904.

These values are supported by the board of review's comparables. After the same adjustments for sale dates are applied to the board of review's comparables, the adjusted sale prices of the comparables range from \$301,774 to \$349,835 with the median sale price being \$324,628.

Finally, if the market value derived in the appraisal is adjusted for the 5½ months between the assessment date of January 1, 2009 and the effective date of the appraisal, June 17, 2009, the adjusted value of the subject would be \$333,711.

Although the Board finds the sale date adjustments in the appellant's appraisal report inaccurate, the Board nevertheless finds the appellant has proven by a preponderance of the evidence that the subject is overvalued.

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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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: April 20, 2012

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.