



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

APPELLANT: Myron Siegel
DOCKET NO.: 09-03016.001-R-2
PARCEL NO.: 16-17-309-007

The parties of record before the Property Tax Appeal Board are Myron Siegel, the appellant, by attorney Janice Morrison of Engel & Siegel, LLC, in Highwood; 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: \$134,858
IMPR.: \$243,429
TOTAL: \$378,287

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of brick exterior construction containing 3,852 square feet of living area. The dwelling is 13 years old and features a full finished basement, central air conditioning, a fireplace and a three-car attached garage. The home is located in West Deerfield Township, Lake County, Illinois.

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 prepared by a state licensed appraiser. The appraisal report conveys an estimated market value, for the subject property, of \$850,000 as of January 1, 2009, using the sales comparison approach to value.

Under the sales comparison approach to value, the appraiser utilized four comparable sales located from 0.46 to 1.12 miles from the subject property. The comparable sales were reported to be one-story dwellings containing from 3,498 to 5,000 square feet of living area. The dwellings range in age from 4 to 77 years

old and have full finished basements, central air conditioning and three-car garages. The comparables sold from January 2008 to October 2009 for prices ranging from \$570,000 to \$1,100,000 or from \$114.00 to \$475.27 per square foot for living area including land.

The appraiser adjusted the comparables for differences when compared to the subject in location, site, age, room count and gross living area. The appraiser used the adjusted unit prices of the comparables and opined a subject property's value range of between -\$11,602 and \$1,044,612, land included. Based on this adjusted comparable sales range, the appraiser concluded the subject had a fair market value of \$850,000 as of January 1, 2009.

The appraiser testified about the subject that "this property suffers from some horrific external obsolescence". The appraiser described three reasons for the loss of site value due to location. The three reasons are: the subject's location as the first site as you enter the subdivision, exposing it to 100% of all ingress and egress traffic, the subject property sides Route 22 which is a busy state route and the subject backing to railroad tracks.

During cross-examination, the appraiser was asked to explain the dwelling size difference of comparable #1 and #3. The appraiser used 5,000 and 3,498 square feet of living area, respectively which were obtained from the Multiple Listing Service (MLS). The board of review disclosed 3,872 and 5,908 square feet of living area, respectively which were obtained from public records. The appraiser agreed that typically differences such as these would be discussed or reconciled in the appraisal report. The appraiser further acknowledged that a software error led to his appraisal describing all the comparables as one-story dwellings, when in fact, comparable #1 is the only one-story dwelling. There was further discussion of the two sale dates for comparable #1. This comparable sold in July 2007 for \$1,710,000 and again in September 2009 for \$570,000.

During the hearing, the appellant's counsel attempted to include the subject's 2011 listing. The board of review objected to the listing information, as it was not previously submitted as evidence and would not be pertinent to a 2009 appeal.

The Board finds it cannot consider this new evidence. Section 1910.66(c) of the Official Rules of the Property Tax Appeal Board states:

Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence. (86 Ill.Adm.Code §1910.66(c)).

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$456,208 was disclosed. The subject's assessment reflects an estimated market value of \$1,388,338 or \$360.42 per square foot of living area including land using Lake County's 2009 three-year median level of assessments of 32.86%.

In support of the subject's assessment, the board of review submitted a grid analysis, property record cards, photographs and a map depicting the location of five suggested comparable sales. The board of review's comparables #2, #3 and #4 are the same as the appellant's comparables #2, #3 and #4. The comparable sales are located from 0.61 to 1.12 miles from the subject property. The comparables consist of two-story frame or frame and brick dwellings that contain between 4,156 to 5,908 square feet of living area. The dwellings range in age from 4 to 77 years old and have basements, two of which have finished area. Other features include central air conditioning, from one to three fireplaces and garages ranging in size from 630 to 1,125 square feet. The comparables sold from January 2008 to October 2009 for prices ranging from \$1,100,000 to \$1,800,000 or from \$225.92 to \$433.11 per square foot for living area including land. Based on the evidence presented, the board of review requested a confirmation of the subject's assessment.

In rebuttal, the board of review argued the appraisal included comparables which have incorrect improvement sizes, older ages and at least one comparable is a one-story.

During cross-examination, the appellant's counsel argued the board of review failed to inspect the subject property and did not make adjustments for time in a declining market. Counsel also questioned whether the board of review adjusted the subject lot for its external obsolescence. The board of review responded that the subject's property record card depicts a negative 25% influence factor. The appellant's counsel additionally argued that the board of review's comparable #5 has a superior interior lot which explains its high square foot price.

After hearing 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 a reduction in the subject property's assessment is warranted.

The appellant argued the subject property was overvalued. 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.2d 1256 (2nd Dist. 2000). The Board finds the appellant did meet this burden of proof.

The appellant submitted an appraisal report estimating the subject property had a fair market value of \$850,000 as of January 1, 2009. The board of review offered five comparable

properties for consideration. The Board finds the appellants' appraisal included two properties with incorrect improvement sizes, one of which is of a dissimilar one-story ranch design with no adjustment for such. For these reasons, the Board gave less weight to the value conclusion derived from the appellant's appraisal. The Board will therefore analyze the raw sales data within the record.

The Board finds both parties submitted five sales for the Boards consideration. As previously stated, comparables #2, #3 and #4 are the same properties submitted by both sides. The Board gave less weight to the appellant's comparable #1 due to its dissimilar one-story ranch design when compared to the subject. Additionally, the Board found this comparable's adjusted sale price, estimating the subject's market value at -\$11,602, to be extremely excessive. The Board gave less weight to comparable #3, due to its considerably older age when compared to the subject. The Board also gave less weight to the board of review's comparable #5 due to its superior interior lot when compared to the subject's lot. The Board finds the three remaining comparables were most similar to the subject in location, size, design, age and features. These sales occurred from January 2008 to October 2009 for prices ranging from \$1,100,000 to \$1,500,000 or from \$225.92 to \$298.86 per square feet of living area including land. The subject's assessment reflects an estimated market value of \$1,388,338 or \$360.42 per square foot of living area including land, which is above the range of the best comparables in the record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is excessive and a reduction in the subject's assessment 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.

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: June 22, 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.