



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

APPELLANT: Jerome Gagerman
DOCKET NO.: 09-03075.001-R-1
PARCEL NO.: 15-36-101-012

The parties of record before the Property Tax Appeal Board are Jerome Gagerman, the appellant, by attorney Brian S. Maher of Weis, DuBrock, Doody & Maher, 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:

LAND: \$151,458
IMPR.: \$120,950
TOTAL: \$272,408

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 102,580 square foot lot¹ improved with a 2-story contemporary dwelling of frame construction. The dwelling contains approximately 3,760 square feet of living area² and is reported to be in good condition. The dwelling was built in 1966 on a crawl-space foundation. Features of the home include 2 fireplaces, central air conditioning, a 2-car attached garage containing 484 square feet and a detached garage containing 880 square feet. The dwelling is located in Riverwoods, Vernon Township, Lake County.

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

¹ The appellant claims in the appraisal that the subject lot contains 103,713 square feet of land area with the disclaimer that "all square footages reported herein are approximate and subject to survey." The board of review submitted a property record card disclosing the total lot size including street frontage to be 102,580 square feet of land area.

² The appellant's appraiser claims the subject contains 3,766 square feet of living area and provided a detailed schematic of the dwelling with dimensions to support the claim. The board of review claims the dwelling contains 3,760 square feet of living area and provided a property record card with a detailed schematic of the dwelling with dimensions to support the claim.

report prepared by Robert Kirch of Elite Appraisal Center, LLC, in which a market value of \$680,000 or \$180.85 per square foot of living area including land was estimated for the subject property as of March 25, 2009. The appraiser developed both the sales comparison approach to value and the cost approach in estimating the fair market value of the subject property.

In the sales comparison approach, the appraiser considered five comparable properties located between 0.42 of a mile and 1.90 miles from the subject. The lot sizes range from 43,560 to 102,366 square feet of land area. All five of the comparables are "contemporary" dwellings with no data regarding number of stories. All are frame, masonry, or frame and masonry construction and all are reported to be in good condition. They range in size from 2,405 to 4,672 square feet of living area³ and are between 20 and 45 years old. Four of the comparables feature full basements, two of which have finished area, and one has no basement. Other features include central air conditioning, 1 or 2 fireplaces and 2 or 3-car attached garages. Comparables #1, #2 and #3 sold between January 2009 and October 2009 for prices ranging from \$575,000 to \$689,000, or from \$136.77 to \$286.49 per square foot of living area including land. Comparables #4 and #5 were listings and not sales. These comparables listed for \$899,900 and \$780,000 respectively or \$224.13 and \$260.00 per square foot of living area including land.

The appraiser adjusted the comparables for sale vs. listing, room count, living area, basement and finish, garage, porch/patio/deck and/or fireplaces but did not adjust for lot sizes. The final adjusted prices of all five comparables range from \$587,500 to \$836,400 or from \$127.35 to \$316.22 per square foot of living area including land. Based on these comparables, the appraiser estimated the subject's fair market value at \$680,000 or \$180.85 per square foot of living area including land.

In the cost approach the appraiser estimated the value of the subject to be \$686,501 or \$182.58 per square foot of living area including land. The appraiser valued the lot at \$260,000 or \$2.50 per square foot of land area. In the reconciliation, the appraiser gave greatest weight to the sales comparison approach since market actions of buyers and sellers are best represented by the sales comparison approach.

Based on this evidence, the appellant requested that the subject's total assessment be reduced to \$226,644.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$272,408 was disclosed. The subject's assessment reflects an estimated market

³ The appraiser claims comparable #2 contains 4,672 square feet of living area but provided no documentation to support the claim. The board of review claims the comparable contains a main house containing 3,157 square feet of living area with a guest house on the property containing 768 square feet of living area, and submitted property record cards to support the claim.

value of \$828,996 or \$220.48 per square foot of living area, land included, using the 2009 three-year median level of assessments for Lake County of 32.86% as determined by the Illinois Department of Revenue.

In support of the subject's assessed value, the board of review submitted a location map, photographs, and property record cards for three comparable sales. The dwellings were built from 1965 to 1995 and range in size from 4,014 to 4,520 square feet of living area. The lots range in size from 38,333 to 54,450 square feet of land area. All four comparables are 2-story homes of frame or masonry construction. All comparables feature basements with finished areas. Additional features include central air conditioning, 1 or 2 fireplaces and attached garages ranging in size from 724 to 874 square feet. The comparables sold between April 2008 and December 2008 for prices ranging from \$890,000 to \$1,100,000 or from \$196.90 to \$255.46 per square foot of living area including land.

The board of review cites several concerns about the appellant's appraisal. First, the board of review claims the appellant's comparable #1 has not sold and the appraiser confused 1375 Woodland with 1385 Woodland. The board of review claims the appellant's comparable #2 includes a 768 foot guest house which was not addressed in the appraisal. The board of review also argued that comparable #4 sold on January 11, 2011, after the appraisal was prepared and one year after the assessment date of January 1, 2009, for \$725,000 or \$180.44 per square foot of living area including land. The board of review also disclosed that the appellant's comparable #5 was still listed as of June 2011 for \$780,000 or \$260.00 per square foot of living area including land. The board of review acknowledges that all of their comparables have basements whereas the subject has none. 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 does not support 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 not warranted.

Initially, the Board finds the best evidence of the subject's lot size is the property record card. Therefore the Board finds the correct size of the subject's lot is 102,580 square feet of land area. The Board further finds the best evidence of the size of the dwelling of appellant's comparable #2 are the property record cards and therefore finds the correct improvement size to be 3,925 square feet of living area.

The board of review submitted data on three comparable sales in support of the subject's assessment. The Board finds comparables #1 and #3 submitted by the board of review were significantly newer than the subject and comparable #2 was 20% larger than the subject. All three comparables had basements with finished areas whereas the subject was on a crawl-space foundation. Therefore these comparables received little weight in the Board's analysis.

The Board finds the appellant submitted an appraisal of the subject property with a final value conclusion of \$680,000 as of March 25, 2009, 3 months after the assessment date of January 1, 2009. The Property Tax Appeal Board finds that the value conclusion in the appellant's appraisal is not supported by the data presented.

The Board finds appellant's comparable #1 did not sell in October 2009. The Property Tax Appeal Board agrees with the board of review, based on property characteristics such as garage size and square feet of living area, that the appraiser confused 1385 Woodland and 1375 Woodland. Therefore, the appellant's comparable #1 received no weight in the Board's analysis.

The Board further finds the appraiser did not adjust any of the comparables for lot size, even though the subject's lot was more than double the size of the lots for two of the comparables. In the cost approach, the appraiser valued the subject's lot at \$260,000 or \$2.50 per square foot of land area. Applying this same adjustment to the comparables' lots increases the estimated value of comparable #2 by \$147,550 to \$189.18 per square foot of living area including land, comparable #3 by \$147,325 to \$231.08 per square foot of living area including land, and comparable #4 by \$56,700 to \$222.44 per square foot of living area including land. Comparable #5's lot size is similar to the subject so no lot size adjustment is needed for that comparable, leaving the estimated value per square foot of living area including land at \$261.83.

The appellant's comparables #2 through #5 have adjusted values ranging from \$734,825 to \$836,400 or from \$189.18 to \$261.83 per square foot of living area including land. The appraiser's estimate is \$680,000 for the subject property or \$180.85 per square foot of living area including land, which is less than all of the comparables adjusted per square foot sales prices. The appraiser states that "equal weight was placed on all sales in the final analysis of value as all have similar adjustments" and "it is the opinion of the appraiser that the value (of the subject) falls near the upper middle of the indicated range of

value due to its updating." The subject's assessment of \$272,408 represents an estimated market value of \$828,996 or \$220.48 per square foot of living area, land included, which is within the range of the adjusted comparables and consistent with the appraiser's statement that the subject should be valued in the upper middle of the comparables. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the appellant has not proven through a preponderance of the evidence that the subject property is overvalued. Therefore, no 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: 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.