



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

APPELLANT: Louis Fogelson
DOCKET NO.: 09-03484.001-R-1
PARCEL NO.: 15-30-403-025

The parties of record before the Property Tax Appeal Board are Louis Fogelson, the appellant, by attorney Mitchell L. Klein of Schiller Klein, PC, in Chicago, 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: \$40,873
IMPR: \$82,694
TOTAL: \$123,567

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel is improved with a two-story frame single-family dwelling that was built in 1978 and is about 31 years old. The dwelling contains 2,212 square feet of living area with an unfinished basement, central air conditioning, a fireplace and an attached two-car garage of 506 square feet of building area. The subject property is located in Buffalo Grove, Vernon Township, Lake County.

The appellant's appeal is based on overvaluation of the subject property. In support of this market value argument, the appellant submitted an appraisal prepared by Jason Goldberg of JSG Real Estate Services, Inc. of Northbrook, who is a State Certified Residential Appraiser. The appraiser opined a retrospective estimated market value of \$340,000 for the subject property as of January 1, 2009 using the sales comparison approach to value. The appraiser inspected the property on March 18, 2011 and the report was prepared for the appellant to determine the fee simple rights of the property for real estate tax purposes.

As to the subject dwelling which was said to be in average condition upon inspection, the appraiser set forth an effective age of 15+ years and an actual age of 33 years.

As to market conditions in the addendum, the appraiser noted that no discounts, buy downs or other concessions were found; the average marketing time of about 126 days was considered reasonable and neighborhood properties were selling within 94% of list price. Thus, considering the area market data, the appraiser found no fiscal or economic trends that would significantly impact the relatively stable market currently experienced in the subject's neighborhood. While values peaked in 2007, declines were noted in 2008 and 2009 with median values stabilized in 2010.

For the sales comparison approach, the appraiser analyzed three sales comparables located between 0.09 and 0.21 of a mile from the subject property. The comparables consist of two-story frame exterior constructed dwellings which were 33 or 34 years old. The comparables contain either 2,071 or 2,128 square feet of living area each. Features include basements, two of which were finished, central air conditioning, and a two-car garage. Comparable #1 also has a fireplace. These properties sold between March and October 2008 for prices ranging from \$318,000 to \$362,000 or from \$149.44 to \$174.79 per square foot of living area including land.

In comparing the comparable properties to the subject, the appraiser made adjustments for condition, dwelling size, basement finish, porch/patio/deck and/or fireplace features. In the report, the appraiser wrote that no time adjustments were warranted since the sales occurred in similar marketing times as of the effective date of the appraisal. The appraiser acknowledged that comparable #1 was sold in "as is" condition according to the MLS remarks and comparable #3 was afforded a negative condition adjustment for having a new kitchen according to the MLS remarks. Given location, overall utility and function with similar amenities and minor adjustments, the appraiser weighed all three sales evenly in his analysis which resulted in adjusted sales prices for the comparables ranging from \$331,985 to \$348,985 or from \$160.01 to \$168.51 per square foot of living area, land included. From this process, the appraiser estimated a value for the subject by the sales comparison approach of \$340,000 or \$153.71 per square foot of living area including land.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$113,322 which would reflect a market value of \$340,000 at the statutory level of assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$134,271 was disclosed. The final assessment of the subject property reflects a market value of \$408,615 or \$184.73 per square foot of living area including land using the 2009 three-year median level of

assessments for Lake County of 32.86%. (86 Ill.Admin.Code §1910.50(1)).

As to the appellant's appraisal, the board of review noted it did not agree with the value conclusion of the appraiser as it does not believe "that the comparables selected by the appraiser provide the best reflection of the market value of the subject." Moreover, each of the appraisal comparables "are a different 'colonial split' model and the subject is a standard two story colonial."

In support of the subject's estimated market value, the board of review submitted a grid analysis of three sales located within one block of the subject which the board of review "feels are much more similar" in market appeal. Furthermore, two of the comparable dwellings are the same model as the subject. The comparables are two-story frame dwellings that were 31 to 33 years old. The dwellings contain either 2,212 or 2,232 square feet of living area and feature basements which are partially finished. Each home features central air conditioning and either a 462 or 506 square foot garage. Two of the comparables have a fireplace. These properties sold between August 2008 and May 2009 for prices of \$400,000 or \$410,000 or for \$180.83 or \$183.69 per square foot of living area including land.

Based on the foregoing evidence, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

In written rebuttal, the appellant's legal counsel noted the board of review's comparable sales include no adjustments for differences such as superior lot size/values for each property, finished basements for each of the dwellings and/or the 287 square foot deck enjoyed by board of review comparable #1.

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 Board further finds that a reduction in the subject's assessment is warranted.

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 \$340,000. The

appellant's appraiser appears to have consistently adjusted the comparable sales in the appraisal report for differences in dwelling size at approximately \$75 per square foot and for finished basement improvements at \$15,000. The comparable lots were similar in size to the subject and no adjustments were made.

The board of review submitted three suggested comparable sales with larger lot sizes, but similar age, exterior construction, design, size and many other features, except for the superior feature of finished basements.

Comparing the contrasting the appraisal and the board of review's submission, the Property Tax Appeal Board finds all six sales presented by both parties support the contention that the subject property is overvalued based on its assessment. The subject has an estimated market value of \$408,615 or \$184.73 per square foot of living area including land.

The board of review's comparables #1 and #2 are nearly identical to the subject but for larger lot sizes and the superior features of a partially finished basement area. These two homes sold somewhat equi-distant to the assessment date of January 1, 2009 for \$400,000 each or for \$180.83 per square foot of living area. Discounting appraisal comparable #1 since it was sold "as-is" and had the lowest sale price, the Board finds the remaining two sales considered by the appraiser which sold in March and May 2008 for \$362,000 and \$330,000 are each smaller dwellings than the subject and lack the fireplace feature of the subject, but each enjoys a finished basement not found with the subject property.

Based on this record the Board finds a reduction to 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: October 19, 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.