



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

APPELLANT: Harry Wellard
DOCKET NO.: 09-03586.001-R-1
PARCEL NO.: 16-07-102-039

The parties of record before the Property Tax Appeal Board are Harry Wellard, the appellant; 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: \$188,702
IMPR: \$233,582
TOTAL: \$422,284

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of frame construction containing 4,873 square feet of living area. The dwelling was built in 1988 and features an unfinished basement, central air conditioning, a fireplace and an 814 square foot garage. The home is situated on a 60,584 square foot lot 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 Joseph Vega, a state licensed appraiser who was present at the hearing. The appraisal report conveys an estimated market value, for the subject property, of \$1,150,000 as of January 1, 2009, using the sales comparison approach to value.

Under the sales comparison approach to value, the appraiser utilized three comparable sales located from 0.80 to 1.03 miles from the subject property. The comparables have lots ranging in size from 52,707 to 84,942 square feet of land area. The

comparables consist of one or two-story dwellings that contain from 3,970 to 5,726 square feet of living area. Two of the comparables have brick exteriors and one has a frame exterior. The dwellings were built from 1935 to 1980 and feature basements, two of which are reported to have finished area. Other features include central air conditioning, from two to four fireplaces and garages ranging in size from 660 to 1,002 square feet of building area. The comparables sold from June to November 2008 for prices ranging from \$1,330,000 to \$1,387,500 or from \$234.02 to \$335.01 per square foot of living area including land.

The appraiser adjusted the comparables for differences when compared to the subject in date of sale/time, site, age, room count, gross living area and rooms below grade. The appraiser used the adjusted prices of the comparables and opined a subject property's value range of between \$1,110,100 and \$1,365,890, land included. Based on this adjusted comparable sales range, the appraiser concluded the subject had a fair market value of \$1,150,000 as of January 1, 2009.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$422,284 was disclosed. The subject's assessment reflects an estimated market value of \$1,285,100 or \$263.72 per square foot of living area including land using Lake County's 2009 three-year median level of assessments of 32.86%.

In response to the appellant's claim, the board of review argued the appellant's appraiser made inappropriate site adjustments to two comparables based on the Lake County's land assessments. The appraiser also failed to research differences in room count and basement size and finish of the comparables obtained from MLS data and the Lake County's records. In addition, comparable #3 is a dissimilar one-story style dwelling.

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 three suggested comparable sales. The board of review's evidence also included a grid and property record cards of the appellant's appraisal comparables. The grid details the differences in characteristics obtained from MLS data and the Lake County's Assessor's office. The comparable sales offered by the board of review are located from 0.51 to 0.88 of a mile from the subject property. The comparables consist of two-story frame, brick or brick and frame dwellings that range in size from 4,108 to 5,373 square feet of living area. The dwellings were built from 1986 to 1995 and have basements, two of which have finished area. Other features include central air conditioning, a fireplace and garages ranging in size from 834 to 936 square feet. The comparables sold from January to July 2008 for prices ranging from \$1,500,000 to \$1,800,000 or from \$307.88 to \$380.96 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 appellant argued that comparables #2 and #3 offered by the board of review were sold a year prior to the subject's January 1, 2009 assessment date.

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 no 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 not meet this burden of proof.

The appellant submitted an appraisal report estimating the subject property had a fair market value of \$1,150,000 as of January 1, 2009. The board of review offered three comparable properties for consideration. The Property Tax Appeal Board finds the appellant's comparable #1 is significantly smaller than the subject, comparable #2 is significantly larger than the subject and comparable #3 is a dissimilar one-story style when compared to the subject. For these reasons, the Board gave less weight to the value conclusion derived from the appellant's appraisal. The Board will therefore examine the raw sales data within the record.

The Board finds both parties submitted a total of six sales for the Board's consideration. The Board gave less weight to the appellant's comparables. Comparable #1 is significantly smaller when compared to the subject, comparable #2 is considerably larger when compared to the subject and comparable #3 is a dissimilar one-story style when compared to the subject. The Board gave less weight to the board of review's comparable #3 due to its considerably smaller size when compared to the subject. The Board finds the remaining sales offered by the board of review were more similar to the subject in style, size, exterior construction and features. The sales occurred in February and July 2008 for prices of \$1,500,000 and \$1,800,000 or \$307.88 and \$335.01 per square foot of living area including land. The Board finds the board of review's comparable #1 is the most comparable sale when compared to the subject and was therefore given the most weight in the analysis. This sale occurred in July 2008 for a price of \$1,500,000 or \$307.88 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$1,285,100 or \$263.72 per square foot of living area including land, which is supported by the best comparable 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 justified and 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: August 28, 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.