



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

APPELLANT: Leigh & Michael Huston
DOCKET NO.: 09-03596.001-R-1
PARCEL NO.: 15-13-309-001

The parties of record before the Property Tax Appeal Board are Leigh & Michael Huston, the appellants; 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: \$86,777
IMPR: \$171,565
TOTAL: \$258,342

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of brick and frame construction containing 3,794 square feet of living area. The dwelling was built in 1984 and features a full unfinished basement, central air conditioning, a fireplace and a 550 square foot garage. The home is located in Vernon Township, Lake County, Illinois.

The appellants appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellants submitted an appraisal of the subject property prepared by Joseph Vega, a state licensed appraiser. The appraisal report conveys an estimated market value, for the subject property, of \$700,000 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 0.10 to 0.38 of a mile from the subject property. The comparables have lot sizes of 21,344 or 23,958 square feet of land area. The comparables consist of two-story brick and frame dwellings that contain 3,199

or 4,071 square feet of living area. The dwellings were built in 1985 or 1993 and feature full basements, one of which is finished. Other features include central air conditioning and two-car garages. The comparables sold in August 2008 for prices of \$647,000 or \$770,000 or \$189.14 or \$202.25 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, age, 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 \$647,650 and \$701,370, land included. Based on this adjusted comparable sales range, the appraiser concluded the subject had a fair market value of \$700,000 as of January 1, 2009.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$258,342 was disclosed. The subject's assessment reflects an estimated market value of \$786,190 or \$207.22 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 appellants' claim, the board of review argued the appellants' appraiser failed to adjust two of the comparables for backing to significant traffic from IL Route 22. The board of review also questioned the square foot reported for comparable #3.

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 eight suggested comparable sales. The eight sales include the appellant's three comparables. The comparable sales are located from 0.10 to 0.54 of a mile from the subject property. The comparables consist of two-story frame or brick and frame dwellings that range in size from 2,690 to 4,071 square feet of living area. The dwellings were built from 1964 to 1993. Five comparables have full basements, four of which have finished area and three have partial basements, which two have finished area. Other features include central air conditioning, one or two fireplaces and garages ranging in size from 400 to 792 square feet. The comparables sold from July to December 2008 for prices ranging from \$647,000 to \$959,500 or from \$189.14 to \$264.73 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 appellants claimed the board of review's comparables have superior exterior construction or inside functional utility that the subject lacks. In addition, the appellant's questioned the arms-length nature of the board of review's comparable #6, due to the lack of MLS information and argued it has a superior location.

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 appellants 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 appellants did not meet this burden of proof.

The appellants submitted an appraisal report estimating the subject property had a fair market value of \$700,000 as of January 1, 2009. The board of review offered eight comparable properties for consideration, which included the appellants' three comparables. The board of review argued the appraisal's comparable #3 used an incorrect dwelling size and supplied the Property Record Card (PRC) as evidence. The Property Tax Appeal Board finds the data supplied in the appraisal for comparables #1 and #3 is questionable. The appraisal's comparable #1, 20 Sherwood Drive, uses improvement data from 26 Sherwood Lane and sales data from 271 Pembroke Drive. The appraisal's comparable #3, 271 Pembroke, uses improvement data from 26 Sherwood Lane and the sale price from 271 Pembroke. For these reasons, the Board gave less weight to the value conclusion derived from the appellants' appraisal. The Board will therefore examine the raw sales data within the record.

The Board finds both parties submitted a total of eight sales for the Board's consideration. The Board gave less weight to the appellants' comparables #1 and #3 due to the incorrect data supplied; however, the data supplied by the board of review for these comparables will be used. The Board gave less weight to the board of review's comparables #1, #3, #5 and #8 due to their considerably smaller sizes when compared to the subject. The Board finds there is no evidence in the record that the board of review's comparable #6 was not an arms-length transaction, as argued by the appellants. The Board finds the remaining four sales were more similar to the subject in style, size, exterior construction and features. The sales occurred from July to December 2008 for prices ranging from \$770,000 to \$959,500 or from \$189.14 to \$264.73 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$786,190 or \$207.22 per square foot of living area including land, which is supported by the 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 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: July 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.