



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

APPELLANT: Richard Chuk
DOCKET NO.: 09-03606.001-R-1
PARCEL NO.: 16-08-107-017

The parties of record before the Property Tax Appeal Board are Richard Chuk, 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: \$190,061
IMPR: \$173,236
TOTAL: \$363,297

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story brick and frame dwelling containing 3,488 square feet of living area that was built in 1987. Features include an unfinished basement, central air conditioning, a fireplace and a 759 square foot attached garage. The home is situated on a 60,984 square foot lot located in West Deerfield Township, Lake County.

The appellant appeared before the Property Tax Appeal Board claiming both overvaluation and assessment inequity as the bases of the appeal. The appellant did not contest the subject's land assessment. In support of these arguments, the appellant submitted an appraisal of the subject property and an assessment grid comprised of the same three comparable properties which were included in the appraisal.

The appellant's appraisal was 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 \$800,000 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 0.12 to 0.24 of a mile from the subject property. The comparables have lot sizes of 13,400 or 13,410 square feet of land area. The comparables consist of two-story dwellings that contain from 3,247 to 3,574 square feet of living area. Comparables #1 and #2 have brick and frame exteriors and comparable #3 has a brick exterior. The dwellings were built from 1984 to 1988 and feature full unfinished basements, central air conditioning, one or two fireplaces and a two or three-car garage. The comparables sold from May 2008 to May 2009 for prices ranging from \$727,000 to \$800,000 or from \$221.71 to \$240.22 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, room count, gross living area and garage/carport. The appraiser used the adjusted prices of the comparables and opined a subject property's value range of between \$741,910 and \$835,700, land included. Based on this adjusted comparable sales range, the appraiser concluded the subject had a fair market value of \$800,000 as of January 1, 2009.

The comparables have improvement assessments ranging from \$143,898 to \$205,756 or from \$43.88 to \$58.94 per square feet of living area. The subject has an improvement assessment of \$207,592 or \$59.52 per square foot of living area.

Based on this evidence the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$363,297 was disclosed. The subject's assessment reflects an estimated market value of \$1,105,590 or \$316.97 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 unsubstantiated and questionable adjustments to the appraisal comparables. The board of review also argued the comparables used by the appraiser had lot sizes much smaller than the subject and failed to make adjustments for lot size.

In support of the subject's assessment, the board of review submitted information on three suggested comparables. The comparables are located from 0.31 to 0.79 of a mile from the subject property. The comparables have lot sizes ranging from 23,906 to 80,150 square feet of land area. The comparables consist of two-story frame or brick and frame dwellings that range in size from 3,396 to 3,915 square feet of living area. The dwellings were built from 1977 to 1990 and feature basements, one of which has finished area, central air conditioning, one or two fireplaces and garages ranging in size from 705 to 816 square

feet of building area. The comparables have improvement assessments ranging from \$145,894 to \$231,622 or from \$40.59 to \$68.20 per square feet of living area. The comparables sold from January to August 2008 for prices ranging from \$1,090,000 to \$1,215,000 or from \$310.34 to \$348.74 per square of living area including land.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant argued that the board of review's comparables #2 and #3 were old sales and should not be used in valuing the subject in a declining market. The appellant also argued the board of review's comparables located on Ridge Road were located next to homes with values of 3 to 5 million dollars. The appellant, however, submitted no evidence to substantiate the claim.

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 Board further finds no reduction in the subject's assessment is warranted.

The appellant contends unequal treatment in the subject's improvement assessment as part of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the Board finds the appellant has not met this burden.

The Board finds that both parties submitted descriptions and assessment information on six equity comparables. The Board finds all six comparables are similar to the subject in location, size, style and features. These comparables have improvement assessments ranging from \$143,898 to \$231,622 or from \$40.59 to \$68.20 per square foot of living area. The subject's improvement assessment is \$207,592 or \$59.52 per square foot of living area which falls within the range of the comparable properties in the record. After considering adjustments to these comparables for differences when compared to the subject property, the Board finds the subject's improvement assessment is justified and no reduction is warranted.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the parties disclosed that the properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity, which appears to exist on the basis of the evidence.

The appellant also argued overvaluation as a part of the appeal. 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). After analyzing the market evidence submitted, the Board finds the appellant has not met this burden of proof and no reduction in the subject's assessment is warranted.

The appellant submitted an appraisal report estimating the subject property had a fair market value of \$800,000 as of January 1, 2009. The board of review offered three comparable properties for consideration. The Property Tax Appeal Board finds the appellant's comparables have lot sizes of less than 22% the lot size of the subject property. The appraiser failed to make an adjustment for this discrepancy which calls into question 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 due to their significantly smaller lot sizes when compared to the subject. The Board gave less weight to the board of review's comparable #3 due to its significantly smaller lot size, in addition to its dissimilar finished basement area. The Board finds the remaining sales submitted by the board of review were more similar to the subject in lot size, style, size, exterior construction and features. The sales occurred in January 2008 and August 2008 for prices of \$1,215,000 and \$1,200,000 or \$310.34 and \$348.74 per square feet of living area including land, respectively. The subject's assessment reflects an estimated market value of \$1,105,590 or \$316.97 per square foot of living area including land, which is within the value 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 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.