



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

APPELLANT: Ronald & Merilee Blake  
DOCKET NO.: 09-03642.001-R-1  
PARCEL NO.: 14-07-301-016

The parties of record before the Property Tax Appeal Board are Ronald & Merilee Blake, the appellants, by attorney Minard E. Hulse, 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:** \$67,739  
**IMPR:** \$310,151  
**TOTAL:** \$377,890

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a 21-year-old, two-story brick and frame exterior constructed single-family dwelling. The home contains 7,139 square feet of living area and features a full walkout-style basement of which 75% is finished, central air conditioning, three fireplaces and a three-car garage of 1,170 square feet of building area. Additional amenities include a deck, a 294 square foot gazebo and a 663 square foot swimming pool. The subject wooded site of 32,392 square feet of land area is located in the gated golf course development of Wynstone in North Barrington, Ela Township, Lake County.

The appellants appeared through legal counsel before the Property Tax Appeal Board contending overvaluation of the subject property. In support of this market value argument, the appellants submitted an appraisal prepared by Grant M. Stewart of Grant M. Stewart & Associates, Inc. in North Barrington, a State Certified Residential Appraiser. The property rights appraised were fee simple and the assignment was "estimate of market value as of 1/1/09." Using the sales comparison approach to value, the appraiser estimated the subject's market value as \$1,150,000 as of January 1, 2009.

Stewart was called by the appellants as a witness to discuss the appraisal report. The witness testified that he has performed well over 1,000 appraisals in the subject's subdivision in the past.

As set forth in the report, the appraiser analyzed three sales of comparable homes located between 0.5 and 0.7 of a mile from the subject property with each being "wooded." One of the comparables is also located on the same street as the subject. The parcels range in size from 40,632 to 80,647 square feet of land area. Each was improved with a two-story dwelling of frame, stucco or stone and stucco exterior construction. The dwellings range in age from 9 to 18 years old and range in size from 5,255 to 7,006 square feet of living area. Each comparable has a full walkout-style basement, two of which are finished. Additional features include two to five fireplaces and three-car or four-car garages. Each comparable also has a deck and two have patios. Comparable #2 also has a screened porch. The sales occurred between November 2007 and July 2009 for prices ranging from \$950,000 to \$1,245,000 or from \$177.70 to \$193.95 per square foot of living area including land.

In comparing the comparable properties to the subject, the appraiser made adjustments for date of sale/time, site size, view, quality of construction, age, bathroom count, dwelling size, basement finish, garage size and other amenities. At hearing, the appraiser articulated further the adjustments made for differences. The appraiser's analysis resulted in adjusted sales prices for the comparables ranging from \$1,139,220 to \$1,214,120 or from \$162.74 to \$229.73 per square foot of living area including land. From this process, the appraiser estimated a value for the subject by the sales comparison approach of \$1,150,000 or \$161.09 per square foot of living area including land.

Based on the foregoing, the appellants requested a reduction in the subject's total assessment to \$417,000 which would reflect a market value of approximately \$1,251,000.

On cross-examination, the appraiser was asked to explain the use of comparable #2 which was the sale most distant from the assessment date of January 1, 2009. Stewart noted that despite its sale date in November 2007, this was the only "large" home of 7,000+ square feet along with a walkout basement that sold and which the appraiser was able to find in the area. The witness also acknowledged that there was not support set forth within the appraisal report for the various adjustments made to the comparable sales.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$456,066 was disclosed. The final assessment of the subject property reflects a market value of \$1,387,906 or \$194.41 per square foot of living area including land using the 2009 three-year median level of

assessments for Lake County of 32.86% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code §1910.50(c)(1)).

In response to the appellants' appraisal, the board of review submitted a memorandum prepared by the clerk of the board of review criticizing certain aspects of the appraisal. The criticisms included use of smaller comparables (sales #1 and #3 contain 5,285 and 5,255 square feet of living area respectively), substantial time adjustments for sales which occurred within 5 to 13 months of the assessment date, as well as substantial living area and site adjustments. The board of review asserted that the appraisal does not provide a reasonable estimate of the subject's January 1, 2009 market value.

In support of the subject's estimated market value as reflected by its assessment, the board of review presented four sales and one listing. Three of the comparables have the same neighborhood code assigned by the assessor as the subject. The six parcels range in size from 28,393 to 48,465 square feet of land area. The parcels are improved with two-story brick, stone or brick and frame dwellings that were 8 to 11 years old. The dwellings range in size from 5,864 to 9,549 square feet of living area. Each comparable has a basement, three of which include finished area, central air conditioning, three to five fireplaces and garages ranging in size from 490 to 1,818 square feet of building area. The five comparables sold between January 2008 and November 2010 for prices ranging from \$1,300,000 to \$2,600,000 or from \$205.92 to \$332.54 per square foot of living area including land. The board of review also reported that its sale #3 was listed for sale in March 2010 for \$2,500,000 or \$261.81 per square foot of living area, including land, which is \$100,000 less than its May 2008 sale price. Board of review comparable #5 had an asking price in January 2012 of \$2,249,000 or \$312.45 per square foot of living area including land. This home contains 9,549 square feet of living area.

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

On cross-examination, the board of review representative acknowledged that no time adjustments were made to the comparables, however, the selected sales were "as close to the assessment date as possible."

In rebuttal, the appellant recalled Stewart for further testimony regarding various properties presented by the board of review. Stewart testified that he did not select board of review comparable #2 for the appraisal report because his understanding of the sale is that the purchaser/buyer never moved into the home and to the date of hearing the residence has remained vacant. As a consequence, Stewart viewed this transaction as a potential rental rather than an owner-occupied dwelling.

Stewart testified that board of review comparable #1 was a "trade" with another property known as 108 N. Wynstone. Additionally Stewart stated that the buyer of comparable #1 was also the broker of 108 N. Wynstone because it was her home at the time of the transaction. Furthermore, two days after the "trade" transaction in November 2008, the buyer of 108 N. Wynstone placed the property on the market for sale and it remains for sale as of the date of hearing.

At the hearing, the parties presented copies of the PTAX-203 Illinois Real Estate Transfer Declaration forms for board of review comparable #1 and the property at 108 N. Wynstone. As to comparable #1, the property was reportedly advertised for sale, "seller/buyer is a relocation company" and the sale price in November 208 was \$1,950,000 whereas the same form for 108 N. Wynstone also was reportedly advertised for sale and sold for \$875,000. The seller of 108 N. Wynstone is the same person as the buyer of board of review comparable #1 as shown in the forms.

After hearing the testimony and reviewing the record, 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 appellants 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.

Ordinarily, property is valued based on its fair cash value (also referred to as fair market value), "meaning the amount the property would bring at a voluntary sale where the owner is ready, willing, and able to sell; the buyer is ready, willing, and able to buy; and neither is under a compulsion to do so." Illini Country Club, 263 Ill.App.3d at 418, 635 N.E.2d at 1353; see also 35 ILCS 200/9-145(a). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Illinois Supreme Court has defined fair cash value as what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill. 2d 428 (1970).

The Board finds the appellants submitted an appraisal of the subject property with a final value conclusion of \$1,150,000 as

of January 1, 2009 for the subject property. The board of review criticized various aspects of the appellants' appraisal and submitted four suggested comparable sales and a listing to support its assessment. The Property Tax Appeal Board finds the criticisms presented by the board of review are either ill-founded or were simply criticisms of comparables selected and/or adjustments made without the presentation of sufficient factual evidence to support any of those criticisms. The criticism of the selection of the appraiser's comparable sales due to dwelling size were particularly unfounded in a circumstance where the board of review itself presented sale #3 that was equivalently larger than the subject as were the appraiser's comparables smaller than the subject. Furthermore, the board of review generally criticized the appraisal adjustments such as for time, but presented no market-based data at hearing to support those criticisms set forth in the letter of the clerk of the board of review. In summary, the board of review presented no contrary time adjustments information either.

While the board of review raised criticisms and/or shortcomings it perceived in the appellants' appraisal, the Property Tax Appeal Board finds that as outlined above and despite those criticisms, the appraisal submitted by the appellants estimating the subject's market value of \$1,150,000 is the best evidence of the subject's estimated market value in the record. Moreover, the appraisal's opinion of value was not substantively challenged with the board of review's submissions. Comparable #3 was substantially larger than the subject. Each of the homes was newer than the subject by at least 10 years and the most similarly sized dwelling, board of review comparable #5 a listing from January 2012, a date three years after the assessment date at issue.

Based upon the market value as stated above, the Property Tax Appeal Board finds that a reduction is warranted. Since market value has been established, the three-year median level of assessments for Lake County for 2009 of 32.86% shall be applied. (86 Ill.Admin.Code §1910.50(c)(1)).

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: November 30, 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.