FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Marshall Brill
DOCKET NO.: 09-03709.001-R-1
PARCEL NO.: 16-29-401-014

The parties of record before the Property Tax Appeal Board are Marshall Brill, the appellant, by attorney Glenn S. Guttman of Rieff Schramm Kanter & Guttman, 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:	$57,471
IMPR.:	$148,397
TOTAL:	$205,868

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 2,287 square feet of living area[1]. The dwelling was built in 1987 and features a full unfinished basement, central air conditioning, a fireplace and a two-car garage. The home is located in West Deerfield Township, Lake County, Illinois.

The appellant submitted evidence to 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 two state licensed appraisers. The appraisal report conveys an estimated market value, for the subject property, of $425,000 as of January 1, 2009, using the cost and sales comparison approaches to value.

[1] The board of review reported the subject improvement as having 2,350 square feet of living area.

Under the cost approach, the appraisers utilized the Marshall & Swift Residential Cost Handbook and concluded a replacement cost new for the subject property, including land, of $439,100.

Under the sales comparison approach to value, the appraisers utilized three comparable sales located from 0.05 to 1 mile from the subject property. The comparables have lot sizes ranging from 7,820 to 18,000 square feet of land area. The comparables consist of two-story brick and frame dwellings that contain from 1,600 to 2,465 square feet of living area. The dwellings were built from 1958 to 1984 and feature full basements, two of which have finished area. Other features include central air conditioning, a fireplace and one or two-car garages. The comparables sold from July 2008 to January 2009 for prices ranging from $388,000 to $514,000 or from $175.56 to $242.50 per square foot of living area including land.

The appraisers adjusted the comparables for differences when compared to the subject in date of sale/time, site, view, actual age, room count, gross living area, rooms below grade, functional utility, garage/carport and bathroom modernization. The adjustments resulted in adjusted sale prices ranging from $393,000 to $460,245, land included. Based on these adjusted comparable sales, the appraisers concluded the subject had a fair market value of $425,000 as of January 1, 2009.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of $224,307 was disclosed. The subject's assessment reflects an estimated market value of $682,614 or $298.48 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 appraisers made incorrect adjustments to the appraisal comparables regarding time adjustments, gross living area and bedroom.

In support of the subject's assessment, the board of review submitted a grid analysis of three suggested comparable sales, the subject's property record card, photographs and a location map of the subject and their comparables. The comparable sales are located from 0.13 to 1 mile from the subject property. The comparables consist of two-story brick and frame dwellings that range in size from 2,318 to 2,888 square feet of living area. The dwellings were built from 1973 to 1989. The comparables have basements, two of which have finished area. Other features include central air conditioning, a fireplace and garages ranging in size from 440 to 528 square feet. The comparables sold in May or July 2008 for prices ranging from $625,000 to $750,000 or from $216.41 to $310.82 per square foot for living area including land. Based on the evidence presented, the board of review requested confirmation of the subject's assessment.

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 Property Tax Appeal Board further finds a 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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, Ill.App.3d 1038 (3rd Dist.2002). The Board finds the appellant did meet this burden of proof.

The parties dispute the dwelling size of the home. The appellant reported a dwelling size of 2,287 square feet of living area based upon a sketch of the improvement within the appellant's appraisal. The board of review reported a dwelling size of 2,350 square feet of living area based upon a sketch of the improvement on the subject's property record card.

With regard to the dwelling size issue, the Board finds the sketch of the improvement within the appraisal was more detailed than that in the subject's property record card, which lends more to its credibility. Therefore, the Property Tax Appeal Board finds that the best and most credible evidence of the subject's dwelling size was presented by the appellant as 2,287 square feet of living area.

The appellant submitted an appraisal report estimating the subject property had a fair market value of $425,000 as of January 1, 2009. The board of review offered three comparable properties for consideration. The Board finds the appraisal's comparable #2 to be significantly smaller in size when compared to the subject. In addition, this comparable's lot size is substantially larger than the subject's lot. 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 comparable #2 due to its significantly smaller improvement size when compared to the subject. In addition, this comparable's lot size is substantially larger than the subject's lot. The Board gave less weight to the board of review's comparable #1 due to its dissimilar one-story style when compared to the subject, which was depicted in the photograph submitted as evidence. The Board finds the remaining four sales were most similar to the subject in style, size, exterior construction and features. The sales occurred from May 2008 to January 2009 for prices ranging from $395,000 to $635,000 or from $175.56 to $273.94 per square feet of living area including land. The subject's assessment reflects an estimated market value of $682,614 or $298.48 per square foot of living area including land, using 2,287 square feet of living area, which is above the

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 excessive and a 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.

Chairman

Member

Member

Member

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

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.