



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

APPELLANT: Greg Harvey
DOCKET NO.: 09-03710.001-R-1
PARCEL NO.: 15-13-101-008

The parties of record before the Property Tax Appeal Board are Greg Harvey, 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: \$96,432
IMPR: \$166,448
TOTAL: \$262,880

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story single family dwelling with approximately 3,698 square feet of living area. The dwelling is of brick and wood construction and was built in 1978. Features of the home include a full unfinished basement, central air conditioning, one fireplace and an 814 square foot three-car attached garage. The property has a 27,048 square foot site and is located in Lincolnshire, Vernon Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$750,000 as of January 1, 2009. The appraisal was prepared by Lance Kirshner a State of Illinois Certified Residential Real Estate Appraiser. In estimating the market value the appraiser developed the cost approach to value and the sales comparison approach to value.

Under the cost approach the appraiser estimated the property had a land value of \$300,000, which was derived by allocation. The appraiser estimated the replacement cost new of the improvements using Marshall & Swift and costs from local area developers. The replacement cost new was estimated to be \$504,225. The appraiser

estimated the subject dwelling had an effective age of 10 to 12 years and a remaining economic life of 59 years. Using the age life method the appraiser estimated the subject property suffered from \$79,163 in physical depreciation. Deducting depreciation resulted in a depreciated improvement cost of \$425,062. Adding the "as-is" value of the site improvements of \$25,000 and the site value resulted in an estimated value under the cost approach of \$750,062. The appraiser indicated that little weight was afforded the cost approach due to the age and nature of the subject property.

The appraiser used five comparable sales in developing the sales comparison approach to value. The comparables were described as being improved two-story single family dwellings that ranged in size from approximately 2,950 to 4,070 square feet of living area. The dwellings ranged in age from 16 to 31 years old. Each comparable had a full or partial basement that was fully finished. Additionally, each comparable had central air conditioning, one or two fireplaces and a two-car garage. The comparables had sites ranging in size from .46 to .62 acres and were located in Lincolnshire from .29 to .85 miles from the subject property. The comparables sold from May 2008 to September 2008 for prices ranging from \$660,000 to \$770,000 or from \$189.19 to \$244.07 per square foot of living area, including land. The appraiser made downward adjustments to each sale for time due to a declining market from the dates of sale to the assessment date at issue. The appraiser also made adjustments to the comparables for differing features from the subject to arrive at adjusted sales prices ranging from \$720,578 to \$777,320. Based on these sales the appraiser estimated the subject had an indicated market value under the sales comparison approach of \$750,000.

Based on this analysis the appraiser estimated the subject property had a market value of \$750,000 as of January 1, 2009.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$275,106 was disclosed. The subject's assessment reflects a market value of approximately \$837,206 or \$226.39 per square foot of living area, including land, using the 2009 three year average median level of assessments for Lake County of 32.86%.

The board of review asserted it disagreed with the appraiser's value opinion and contends the appraiser did not adjust for the subject's superior site appeal in four of the five sales. In its submission the board of review provided an aerial photograph depicting the subject property and noted the parcel immediately north of the subject is heavily wooded and is village owned open space.

The board of review of review submitted information six comparable sales, which included appraisal comparable sales #1, #2 and #4. The six comparables were described as being improved with five 2-story dwellings and one 1.5-story dwelling that

ranged in size from 2,944 to 3,674 square feet of living area. The dwellings were constructed from 1978 to 1988. Each comparable had a basement that was partially finished, central air conditioning, one or two fireplaces and a garage that ranged in size from 484 to 842 square feet of building area. These properties had sites that ranged in size from 20,038 to 39,588 square feet of land area and are located in Lincolnshire from .27 to .88 miles from the subject property. The sales occurred from May 2008 to July 2010 for prices ranging from \$720,000 to \$830,000 or from \$224.39 to \$244.57 per square foot of living area, including land. Based on these sales, 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 the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. 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 of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the sales in the record demonstrate a reduction in the subject's assessment is warranted.

The subject's assessment reflects a market value of approximately \$837,206 or \$226.39 per square foot of living area, including land. The appellant submitted an appraisal estimating the subject property had a market value of \$750,000 as of the assessment date at issue, relying on the sales comparison approach to value. The board of review submitted information on six sales, which included three sales used in the appraisal, in support of the subject's assessment. The comparable that was most similar to the subject in size was board of review sale #2 which had 3,674 square feet of living area. This sale occurred after the assessment date in July 2009 for a price of \$830,000 or \$225.91 per square foot of living area, including land. This comparable was superior to the subject in age, number of bathrooms, finished basement area and number of fireplaces. The subject's assessment reflects a market value above this similar sale. Considering the date of sale and the superior features, the Board finds the subject property would have a lower value than commanded by this property. Appraisal comparable #2 was larger than the subject property with approximately 4,070 square feet of living area but superior to the subject in age, full finished basement and an additional fireplace. The property was inferior with a two-car attached garage. This property sold in August 2008 for a price of \$770,000 or \$189.19 per square foot of living area, including land. The Board finds considering size, the subject would command a higher price per square foot of

living area. The remaining comparables were significantly smaller than the subject ranging in size from 2,944 to 3,262 square feet of living area and each was superior to the subject with finished basement area. These properties had unit prices ranging from \$206.25 to \$244.57 per square foot of living area, including land. Considering the size, features and dates of sale, the Board finds the subject dwelling would have a unit value at the low end of the range on a square foot basis.

Considering the evidence submitted by the parties, the Property Tax Appeal Board finds the subject property had a market value of \$800,000 as of January 1, 2009. Since market value has been determined the 2009 three year average median level of assessments for Lake County of 32.86% shall apply. (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: October 19, 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.