



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

APPELLANT: Thaddeus Bond, Sr.
DOCKET NO.: 09-03736.001-R-1
PARCEL NO.: 07-23-418-071

The parties of record before the Property Tax Appeal Board are Thaddeus Bond, Sr., the appellant, by attorney Frederick F. Richards III of Thompson Coburn LLP, Chicago, Illinois; 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: \$4,289
IMPR.: \$50,706
TOTAL: \$54,995**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story single family townhouse with 1,364 square feet of living area.¹ The townhouse is known as a Dorchester model. Features of the home include a slab foundation, 1.5 bathrooms, one fireplace, central air conditioning and a 240 square foot attached garage. The dwelling was constructed in 1990. The subject property is located in the Kensington Subdivision, Gurnee, Warren Township, Lake County.

The appellant, through counsel, filed the appeal marking assessment equity, recent appraisal and a contention of law as the bases of the appeal. In the brief counsel asserted the subject property had an assessment of \$58,311, however, the notice of final decision disclosed the board of review had reduced the assessment of the subject property from \$58,311 to \$54,995. The appellant's attorney requested the assessment of subject property be reduced to \$53,063 based on recent sales of

¹ The Board finds the best evidence of size was provided by the board or review, which consisted of a copy of the subject's property record disclosing a portion of the subject dwelling has a cathedral ceiling and an overhang living area on the second floor. These features were not depicted on the copy of the Property Tax Assessment Information from the supervisor of assessments website submitted by the appellant.

similar townhomes and the declining residential market. Counsel also stated the board of review had reduced the subject's 2010 assessment to \$54,058.

With respect to the declining market counsel directed the Property Tax Appeal Board to Standard & Poor's/Case-Shiller Home Price Indices ("Case-Schiller") and Zillow Home Value Index ("Index") by Zillow.com. Counsel asserted that Case-Schiller data through December 2008 indicated the Gurnee area had suffered a 9.0% change in home value. Converting the assessment of \$58,311 to an estimated market value of \$174,950 and applying a negative 9.0% factor to the market value resulted in an assessment request of \$53,063.

In further support of his argument the appellant's counsel submitted a grid analysis from the Lake County Assessor's office showing recent sales of three townhomes in the development that sold from a high of \$190,000 in May 2007 to a low of \$157,500 in July, 2009. According to counsel this represented a 17% decline in the market in just about a year.² The subject's assessment reflects a market value of \$167,362 when using the 2009 three year average median level of assessments for Lake County of 32.86%.

Included with the appellant's information were three equity comparables contained in Exhibit I and a grid analysis that were described as the same model townhome as the subject dwelling. Each was the same age as the subject dwelling and their improvement assessments ranged from \$49,989 to \$51,526. The subject has an improvement assessment of \$50,706, which is within the range established by these comparables. These same properties had total assessment ranging from \$54,062 to \$55,599. The subject property has a total assessment of \$54,995, which is within the range established by these comparables.³

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 its final assessment of the subject totaling \$54,995 was disclosed. The subject's assessment reflects a market value of \$167,362 or \$122.70 per square foot of living area, including land, when using the 2009 three year average median level of assessments for Lake County of 32.86%. The subject has an improvement assessment of \$50,706 or \$37.17 per square foot of living area.

To demonstrate the subject was being equitably assessed the board of review provided descriptions and assessment information on four comparables improved with the same model as the subject

² The actual decline is 17.1% in 26 months or 7.90% per year.

³ In this analysis the appellant quoted the subject's 2010 assessment prior to the reduction granted by the board of review. This analysis appears to be based on 2010 assessments not 2009 assessments.

dwelling. As support for the descriptions and assessments the board of review provided copies of the property record cards for the properties. Board of review equity comparable #2 was the same as appellant's equity comparable #2 located at 182 Wellington Circle, Gurnee, Illinois. However, the assessments on this property differed apparently due to the board of review using the 2009 assessment while the appellant used the 2010 assessment. Each comparable was the same age as the subject property, contained 1,364 square feet of living area and had similar features as the subject property. These comparables had total assessments ranging from \$56,936 to \$58,348 while the subject property has a total assessment of \$54,995, which is below this range. These comparables had improvement assessments ranging from \$52,647 to \$54,059 or from \$38.60 to \$39.63 per square foot of living area. The subject's improvement assessment is \$37.17 per square foot of living area, which is below this range. The board of review also submitted a listing of 42 other townhouses that were the same model as the subject dwelling each being the same age as the subject and with 1,364 square feet of living area. The subject dwelling had a lower total assessment and a lower improvement than each of these properties.

To demonstrate the subject's assessment was reflective of market value the board of review submitted four comparable sales. Board of review comparable sale #4 is the same comparable as appellant's comparable sale #2 located at 93 Berkshire Court, Gurnee, Illinois. The board of review indicated three sales were the same model as the subject dwelling and all were located in the same development. The dwellings each had 1,364 square feet of living area and were built in 1990 and 1991. Each comparable had a slab foundation, central air conditioning and a 240 or 288 square foot attached garage. Three comparables had a fireplace. The sales occurred from January 2008 to July 2009 for prices ranging from \$157,500 to \$173,000 or from \$115.47 to \$127.73 per square foot of living area, including land. The subject's assessment reflects a market value of \$167,362 or \$122.70 per square foot of living area, including land. Based on this evidence, 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 does not support a reduction in the subject's assessment.

The appellant argued in part assessment inequity as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data the Board finds a reduction is not warranted.

The Board finds the record contains six comparables listed on two grid analyses submitted by the parties. The Board finds the analysis provided by the board of review is superior due to the fact the board of review submitted copies of the property record cards as foundation for the sizes and assessments of the various comparables contained on the grid analysis. These comparables had total assessments ranging from \$56,936 to \$58,348 and improvement assessments ranging from \$52,647 to \$54,059 or from \$38.60 to \$39.63 per square foot of living area. The subject property has a total assessment of \$54,995 and an improvement assessment of \$50,706 or \$37.17 per square foot of living area, both of which are below the range established by the best comparables in the record. The board of review also submitted a listing of 42 other townhouses that were the same model, same size and same age as the subject dwelling. The subject dwelling had a lower total assessment and a lower improvement than each of these properties. Based on this record the Board finds the subject property is being equitably assessed and a reduction in the assessment is not warranted on this basis.

The appellant also argued overvaluation as an alternative basis of the appeal. 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 appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted on this basis.

The Board finds the best evidence of market value in this record is the comparable sales provided by the board of review, which includes appellant's comparable sale #2. These comparables were similar to the subject in location, age, style and features. The sales occurred from January 2008 to July 2009 for prices ranging from \$157,500 to \$173,000 or from \$115.47 to \$127.73 per square foot of living area, including land. The subject's assessment reflects a market value of \$167,362 or \$122.70 per square foot of living area, including land, which is within the range established by these sales. Based on this record the Board finds the subject's assessment is reflective of the property's market value.

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.