



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

APPELLANT: Heidi Moran-Eisenberg
DOCKET NO.: 09-04531.001-R-1
PARCEL NO.: 15-33-105-005

The parties of record before the Property Tax Appeal Board are Heidi Moran-Eisenberg, the appellant, 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: \$37,436
IMPR: \$87,552
TOTAL: \$124,988

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story single family dwelling of frame construction that contains 1,799 square feet of living area. The dwelling was constructed in 1984 and is approximately 25 years old. Features of the home include a partial basement that is partially finished, central air conditioning, one fireplace and a two-car attached garage with 420 square feet of building area. The subject has a 10,180 square foot site and is located in Buffalo Grove, Vernon Township, Lake County.

The appellant contends both assessment inequity and overvaluation as the bases of the appeal. In support of the assessment inequity argument the appellant submitted information on three comparables improved with two-story dwellings that contain either 1,939 or 2,369 square feet of living area. The dwellings were built in 1984 and 1985. Each comparable has a basement, central air conditioning, one fireplace and a 420 square foot garage. The comparables have sites ranging in size from 9,615 to 10,887 square feet of land area and each has the same neighborhood code as the subject property. These properties have improvement assessments ranging from \$94,203 to \$114,595 or from \$48.37 to \$51.55 per square foot of living area. The subject has an

improvement assessment of \$92,161 or \$51.23 per square foot of living area. The comparables have land assessments ranging from \$35,479 to \$43,941 or from \$3.31 to \$4.04 per square foot of land area. The subject has a land assessment of \$37,436 or \$3.68 per square foot of land area.

In support of the overvaluation argument the appellant submitted an appraisal estimating the subject had a market value of \$325,000 as of August 14, 2009. The report stated the appraisal was to be used in dissolution of marriage proceedings. In estimating the market value of the subject property the appraiser used the sales comparison approach which contained four sales and two listings. The comparables were improved with two-story dwellings that ranged in size from 1,533 to 2,078 square feet of living area. These homes ranged in age from 23 to 30 years old. Five comparables had full or partial basements that were partially finished. Additional features for each comparable included central air conditioning and a two-car garage. Two of the comparables were also described as having one fireplace. The sales occurred from October 2008 to July 2009 for prices ranging from \$335,000 to \$400,000 or from \$173.24 to \$242.11 per square foot of living area, including land. The two listings had prices of \$364,000 and \$339,000 or \$212.12 and \$192.94 per square foot of living area, land included. The appraiser made downward adjustments for time or pending sale for each comparable and explained in the report that MLS statistics reflect a decline in the median sales price of 10.13% over the last year for detached homes. The appraiser also made adjustments to the comparables for such items as site size, view and features. The appraiser determined the comparables had adjusted sales prices ranging from \$318,965 to \$351,980. Based on these sales the appraiser estimated the subject had a market value of \$325,000 as of August 14, 2009.

The appellant also submitted two comparative market analyses prepared by Dana Cohen of REMAX, both dated January 13, 2009. One report indicated a marketing price of \$289,900 and the other report indicated a marketing price of \$301,900. One report listed 10 comparables that sold from January 2007 to May 2008 for prices ranging from \$256,000 to \$320,000 with an average price of \$289,800. The second analysis listed five sales that occurred from January 2007 to May 2008 for prices ranging from \$282,500 to \$315,000 with an average price of \$301,900. Neither report specifically identified the subject property by address. The appellant also submitted a letter dated October 30, 2008, from Andee Hausman of REMAX stating the subject property would sell for approximately \$300,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the final assessment of the subject totaling \$129,597 was disclosed. The subject's assessment reflects a market value of \$394,391 or \$219.23 per square foot of living area, including land, using the 2009 three year average median level of assessments for Lake County of 32.86%.

With respect to the inequity argument the board of review presented six equity comparables improved with two-story dwellings that ranged in size from 1,730 to 1,813 square feet of living area. The dwellings were constructed from 1984 to 1986 and the comparables had the same neighborhood code as the subject property. Each comparable was described as having a basement with two being finished with recreation rooms. Additionally, each comparable had central air conditioning and an attached garage with either 400 or 676 square feet of building area. Three of the comparables had fireplaces. These properties had improvement assessments ranging from \$88,570 to \$96,195 or from \$49.24 to \$54.66 per square foot of living area. These same comparables had sites ranging in size from 6,825 to 9,898 with land assessments ranging from \$31,406 to \$39,940 or from \$3.80 to \$5.75 per square foot of land area. The board of review asserted the appellant's as well as the board of review comparables demonstrate the subject improvements are being assessed uniformly.

With respect to the market value argument the board of review contends the appraisal was prepared for marital estate purposes and had an effective date of August 1, 2009. The board further noted the negative time adjustments to the sales reflecting the appraisal's later effective date.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales. Sales #1 and #3 were the same as the appraisal sales #4 and #3, respectively. The three sales submitted by the board of review were improved with two-story dwellings that ranged in size from 1,553 to 2,444 square feet of living area. The dwellings were constructed from 1979 to 1985. Each comparable had a basement that was partially finished, central air conditioning and an attached garage that range in size from 420 t 483 square feet of building area. Two comparables also have a fireplace. These comparables sold from March 2008 to October 2008 for prices ranging from \$376,000 to \$469,000 or from \$191.90 to \$242.11 per square foot of living area, including land. After considering these sales the board of review indicated its willingness to stipulate to an assessment of \$124,988 reflecting a market value of \$375,000.

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. Based on the evidence in the record the Board finds a reduction in the subject's assessment is justified.

The appellant argued in part overvaluation as the 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 sales in the record support a reduction in the subject's assessment.

The Property Tax Appeal Board finds the appraisal submitted by the appellant under-estimates the market value of the subject property as of the January 1, 2009 assessment date at issue. The appellant's appraisal had an effective date of August 14, 2009, after the assessment date at issue. The appellant's appraiser made negative or downward adjustments to the sales demonstrating that market prices were declining from the assessment date through the effective date of the report. Thus the Board finds the appraised value understates the market value of the subject property as of January 1, 2009.

The Board finds the best sales in the record include appraisal comparable sales #1, #3 and #4, which include board of review comparable sales #1 and #3. These three sales occurred most proximate in time to the assessment date at issue. These comparables were improved with two-story dwellings that ranged in size from 1,553 to 1,799 square feet of living area. These properties were similar to the subject in age and features. The sales occurred from October 2008 to May 2009 for prices ranging from \$335,000 to \$400,000 or from \$195.22 to \$242.11 per square foot of living area, including land. Based on these sales the Property Tax Appeal Board finds that a reduction in the subject's assessment to reflect a market value of \$375,000 or \$208.45 per square foot of living area, including land, as proposed by the board of review, is appropriate.

The Board gave no weight to the market analyses submitted by the appellant that were prepared by REMAX due to the fact that the sales were dated, occurring from approximately 7 months to 24 months prior to the assessment date at issue.

The appellant also argued assessment inequity as an alternative 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 further reduction in the subject's assessment beyond what was granted based on the market value finding herein is not justified.

The Board finds the subject's land assessment of \$37,436 or \$3.68 per square foot of land area is within the range established by the land comparables in the record which is from \$3.31 to \$5.75 per square foot of land area. The subject's revised improvement assessment of \$87,552 or \$48.67 per square foot of living area is at the low end of the range of the comparables submitted by the parties which is from \$48.37 to \$54.66 per square foot of living area. Thus the Board finds a further reduction based on assessment inequity is not justified.

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.

Ronald 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: September 21, 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.