



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

APPELLANT: David Tresley
DOCKET NO.: 10-01631.001-R-2
PARCEL NO.: 16-05-304-003

The parties of record before the Property Tax Appeal Board are David Tresley, the appellant, by attorney Joanne Elliott of Elliott & Associates, P.C., in Des Plaines, 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: \$251,619
IMPR.: \$414,981
TOTAL: \$666,600

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of 100,188 square feet or 2.3-acres of wooded land area is improved with a 20-year old, two-story dwelling of frame exterior construction containing 7,712 square feet of living area. Features include a full unfinished basement, central air conditioning, a fireplace, a 1,200 square foot garage and an 800 square foot in-ground swimming pool. The property is located in Lake Forest, West Deerfield Township, Lake County.

The appellant's appeal is based on overvaluation of the subject property. In support of this market value argument, the appellant submitted information on three sales comparables located from .27 to 2.57-miles from the subject property. Comparable #3 is located in the same neighborhood code assigned by the assessor as the subject property. The comparable parcels range in size from 47,916 to 60,548 square feet of land area and each is improved with a two-story brick dwelling that ranges in age from 2 to 10 years old. The comparables range in size from 6,500 to 7,317 square feet of living area. Each comparable has a basement with finished areas ranging from 2,000 to 2,781 square feet of building area. The homes also have central air

conditioning, two or five fireplaces and a garage ranging in size from 726 to 1,067 square feet of building area. The sales occurred from March 2009 to August 2010 for prices ranging from \$1,600,000 to \$1,700,000 or from \$232.34 to \$254.79 per square foot of living area, including land.

In a letter submitted by counsel along with the appeal petition it was reported the subject property has been listed for sale with the Multiple Listing Service (MLS) at various times from 2002 through 2010 (copies of seven listing sheets were attached). "The homeowner contends [the lack of any sale] is the fact that the home is a contemporary design and the buyers in the Lake Forest area prefer traditional style homes." The two listings most proximate to the assessment date of January 1, 2010 indicate (1) an asking price of \$2,495,000 with a June 2009 listing that was taken off the market 219 days late or on January 29, 2010 and (2) an asking price of \$1,999,999 with a January 29, 2010 listing date, a marketing time of 284 days with a contract date of October 24, 2010 for which the appellant reported a price of \$1,670,000, but the potential buyer passed away during the review and the sale was not finalized.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$556,611 which at the statutory level of assessment would reflect a market value of \$1,670,000 or \$216.55 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$666,600 was disclosed. The subject's assessment reflects an estimated market value of \$2,039,780 or \$264.49 per square foot of living area, including land, using the 2010 three-year median level of assessments for Lake County of 32.68%. (86 Ill.Admin.Code §1910.50(c)(1)).

As its initial response to the appellant's appeal, the board of review proposed to reduce the subject's assessment to \$629,750 which would reflect a market value of approximately \$1,889,440, although the board of review reserved the right to seek an extension of time to submit additional evidence if the appellant rejected this proposed assessment.

The appellant was notified of the proposed assessment reduction and responded within the time allotted by the Property Tax Appeal Board indicating that the proposed assessment was not acceptable.

As its additional evidence, in response to the appellant's assessment reduction request the board of review contends that "subsequent to the January 1, 2010 assessment date the assessor had corrected the subject property records to reflect a finished basement as well as six full and one half baths (also substantiated by the subject's cancelled 2010 MLS listing data sheet)." Furthermore, appellant's sales #1 and #2 were bank sales or "non-arm's length" and located over two miles from the subject in different townships and/or cities. In addition,

appellant's sale #1 occurred 8 ½ months after the assessment date at issue. Based on these criticisms of the appellant's evidence, the board of review contends the appellant's sales are not reflective of the subject's estimated market value as of January 1, 2010.

In support of the subject's assessment, the board of review presented descriptions and sales data on five comparable sales where comparable #1 is the same property as appellant's comparable #3. Three of the comparables are located in the same neighborhood code assigned by the assessor as the subject property and are said to be from .07 to 1.03-miles from the subject. The parcels range in size from 1.18 to 1.38 acres of land area improved with frame, brick or frame and brick dwellings that range in story height from 1.75 to 2.5 stories. The dwellings are from 8 to 79 years old and range in size from 5,824 to 7,317 square feet of living area. Each comparable has a basement, three of which include finished area. The homes have central air conditioning, from one to five fireplaces and a garage that ranges in size from 640 to 956 square feet of building area. As to amenities in the grid analysis, the board of review did not report the subject's pool or any similar other improvements for any of the comparables; the attach property record cards reveal comparables #4 and #5 have pools of 576 and 1,224 square feet, respectively. These comparables sold between April and December 2009 for prices ranging from \$1,700,000 to \$2,800,000 or from \$232.34 to \$394.20 per square foot of living area, including land.

Based on this evidence and the subject's "good amenities" along with larger lot size, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant submitted the listing sheets for the appellant's previously presented sales and stated, based on a substantial amount of time on the market and price reductions, "[w]e believe it is reasonable to deduct approximately 20% from the subject's [January 29, 2010] list price of \$1,999,999 to arrive at a value for the property as of the lien date of 1.670 million, or an assessment of \$556,611." Further support for this value is the fact that the subject was under contract for this amount in October 2010.

Finally, as to the subject, the appellant contends the subject is different than all of the comparables as it is a "transitional styled" home and of stucco construction. The appellant also "disagrees" that appellant's sale #1 was a bank sale although supplies no documentation to support this asertion. As to board of review comparables #3 and #5, these properties should be disregarded as the first "has been showcased in numerous magazines and home tours" and the second is also "far superior" to the subject. No substantive evidence was presented to support either of these contentions.

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 Board further finds a reduction in the subject's assessment is not warranted.

Pursuant to the rules of the Property Tax Appeal Board, rebuttal evidence is restricted to that evidence to explain, repel, counteract or disprove facts given in evidence by an adverse party. (86 Ill.Admin.Code §1910.66(a)). Moreover, rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. "A party to the appeal shall be precluded from submitted its own case in chief in the guise of rebuttal evidence." (86 Ill.Admin.Code §1910.66(c)). In light of these rules, the Property Tax Appeal Board has not considered the MLS sheets submitted by the appellant in conjunction with the rebuttal argument along with the argument for applying a 20% reduction in the 2010 asking price of the subject. First, these MLS sheets could have been supplied by the appellant with the original appeal. Second, the appellant could have made this value reduction argument in the initial appeal filing, rather than doing so for the first time in the course of rebuttal which is strictly prohibited by the Board's rules.

The appellant contends the assessment of the subject property is excessive and not reflective of its 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 the evidence in the record does not support a reduction in the subject's assessment.

The parties submitted a total of seven comparable sales for the Board's consideration. The Board has given less weight to appellant's comparables #1 and #2 due to their lack of proximity to the subject property. The Board has also given less weight to board of review comparables #2 and #4 due to differences in age from the subject dwelling where one property is very new and one is much older and, also, the size of comparable #2 is significantly smaller than the subject.

The Board finds the remaining three comparables, one of which was presented by both parties, were most similar to the subject in size, design, exterior construction, location and/or age. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables sold between May and October 2009 for prices ranging from \$232.34 to \$394.20 per square foot of living area, including land. The subject's assessment reflects a market value of approximately \$2,039,780 or \$264.49 per square foot of living area, including land, which is within the range established by the most similar

comparables on a per square foot basis. Furthermore, this estimated market value appears justified given that the subject enjoys a swimming pool which is not enjoyed by the common comparable presented by the parties which is located .27 of mile from the subject and sold in May 2009 for \$232.34 per square foot of living area, including land. After considering adjustments and differences in the most comparable sales, the Board finds the appellant did not demonstrate the subject property's assessment to be excessive in relation to its market value and a reduction in the subject's assessment is not warranted on this record.

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

[Signature]

Member

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Member

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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: March 22, 2013

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.