



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

APPELLANT: Robert Graham
DOCKET NO.: 10-01811.001-R-2
PARCEL NO.: 16-04-103-001

The parties of record before the Property Tax Appeal Board are Robert Graham, the appellant, by attorney Margaret E. Graham, of McCracken, Walsh & de LaVan in Chicago; 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: \$295,271
IMPR.: \$798,966
TOTAL: \$1,094,237

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel is improved with a 2-story brick dwelling containing approximately 7,911 square feet of living area. The subject dwelling was built in 2004 and features a full unfinished basement, central air conditioning, 4 fireplaces and a garage containing 1,161 square feet. The dwelling is located in Lake Forest, West Deerfield Township, Lake County.

The appellant's appeal is based on unequal treatment in the assessment process and overvaluation.

In support of the equity argument, the appellant submitted three comparable properties. The comparables are described as 2-story brick or frame dwellings ranging in age from 3 to 10 years. They range in size from 7,284 to 9,514 square feet of living area. Features include full unfinished basements, central air conditioning, 1, 2 or 6 fireplaces and garages that contain either 960 or 1,175 square feet. These properties have improvement assessments ranging from \$306,626 to \$666,057 or from \$42.10 to \$70.01 per square foot of living area. The subject has an improvement assessment of \$798,966 or \$100.99 per square foot of living area. The appellant requested the subject's improvement assessment be reduced to \$512,000 or \$64.72 per square foot of living area.

In support of the overvaluation argument, the appellant submitted five additional comparable properties. The comparables are described as 1¾ or 2-story brick, stone or frame dwellings built between 1997 and 2006. They range in size from 4,838 to 7,917 square feet of living area. Features include full basements, three with finished area, central air conditioning, 3, 5 or 6 fireplaces and garages that range in size from 851 to 1,200 square feet. Three of the comparables feature pools. The appellant disclosed the comparables sold between April 2008 and February 2009 for prices ranging from \$1,850,000 to \$3,500,000 or from \$344.11 to \$557.98 per square foot of living area including land.

Based on this record, the appellant requested the subject's total assessment be reduced to \$807,271. This assessment would reflect a market value of approximately \$2,422,055 or \$306.16 per square foot of living area at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$1,094,237. The subject's total assessment reflects an estimated market value of \$3,348,338 or \$423.25 per square foot of living area, land included, using the 2010 three-year median level of assessments for Lake County of 32.68% as determined by the Illinois Department of Revenue. The subject has an improvement assessment of \$798,966 or \$100.99 per square foot of living area.

In support of the subject's assessment, the board of review presented descriptions and information on four equity comparable properties and three market value comparable properties. The board of review's equity comparable #2 and market value comparable #1 are the same property as the appellant's market value comparable #5.

The board of review equity comparables were built in either 2006 or 2008 and consist of 2-story brick or frame dwellings ranging in size from 7,124 to 10,687 square feet of living area. Features include full basements, one with finished area, central air conditioning, 3 or 5 fireplaces and garages that range in size from 770 to 1,603 square feet. These properties have improvement assessments ranging from \$709,012 to \$1,112,968 or from \$98.41 to \$106.75 per square foot of living area.

The board of review market value comparables were built in 2006 and consist of 2-story brick or frame dwellings ranging in size from 6,888 to 9,106 square feet of living area. Features include full basements, two with finished area, central air conditioning, 5, 7 or 8 fireplaces and garages that range in size from 770 to 1,379 square feet. The comparables sold between January 2008 and September 2009 for prices ranging from \$3,000,000 to \$4,300,000 or from \$435.54 to \$472.22 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant cites the differences between the subject and the board of review's comparables.

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 the evidence in the record does not support 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 must be proven 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 of the subject property or comparable sales. (86 Ill.Admin.Code 1910.65(c)). After an analysis of the evidence in the record, the Board finds a reduction in the subject's assessment is not warranted.

Regarding the market value comparables of both parties, the Board finds the appellant's comparables #2 and #3 differed significantly in size from the subject. The appellant's comparables #1, #2, #3 and #4 and the board of review's comparable #2 were not sold proximate to the subject's assessment date of January 1, 2010. Therefore these comparables received less weight in the Board's analysis.

The Board finds the appellant's comparable #5 and the board of review's comparables #1 and #3 were most similar to the subject in age, size, style and features. These comparables sold proximate to the subject's assessment date of January 1, 2010 for either \$3,000,000 or \$3,500,000 or for \$435.54 or \$442.09 per square foot of living area. The subject's assessment reflects a market value of \$3,348,338 or \$423.25 per square foot of living area including land, which is below the market value of these most similar comparable properties on a per square foot basis. Therefore, the Board finds the appellant has not proven by a preponderance of the evidence that the subject is overvalued, and a reduction in the subject's assessment is not warranted based on overvaluation.

The appellant also contends unequal treatment in the subject's improvement assessment 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 assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the Board finds the appellant has not met this burden.

Regarding the improvement assessment inequity argument, the Board finds the board of review's comparable #1 differed significantly

in size from the subject. Therefore this comparable received less weight in the Board's analysis. The remaining equity comparables from both parties had improvement assessments ranging from \$306,626 to \$795,269 or from \$42.10 to \$106.75 per square foot of living area. The subject's improvement assessment of \$798,966 or \$100.99 per square foot of living area is within the range established by these comparables on a per square foot basis.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the appellant disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity which appears to exist on the basis of the evidence. For the foregoing reasons, the Board finds that the appellant has not proven by clear and convincing evidence that the subject property is inequitably assessed. Therefore, the Property Tax Appeal Board finds that the subject's assessment as established by the board of review is correct and no reduction 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.

Ronald R. Cuit

Chairman

Frank J. Huff

Member

Member

Mark Morris

Member

JR

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.