



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

APPELLANT: Roy Lipner  
DOCKET NO.: 10-02215.001-R-1  
PARCEL NO.: 16-32-305-018

The parties of record before the Property Tax Appeal Board are Roy Lipner, the appellant, by attorney Edward C. Abderholden 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:** \$65,088  
**IMPR:** \$115,912  
**TOTAL:** \$181,000

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject is improved with a 2-story dwelling of brick and frame construction. The home is 35 years old and contains 2,565 square feet of living area. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a garage containing 484 square feet. The subject is located in Deerfield, West Deerfield Township, Lake County.

The appellant contends overvaluation based on an appraisal report in which a value conclusion of \$500,000 was determined for the subject as of January 1, 2010.

In the appraisal, the appraiser developed the sales comparison approach in estimating the fair market value of the subject property. The appraiser considered seven comparable properties each improved with a 2-story dwelling of brick and frame construction. The dwellings range in size from 2,041 to 2,592 square feet of living area and range in age from 35 to 51 years. The comparables feature full or partial basements with finished area, central air conditioning and 1 or 2-car garages. Five of the comparables feature 1 or 2 fireplaces. Five of the comparables sold from February 2009 through January 2010 for prices ranging from \$345,000 to \$590,000 or from \$169.03 to \$259.24 per square foot of living area including land. One of the comparables was an active listing with a price of \$549,000 or

\$211.81 per square foot of living area. One was described by the appraiser as a "temp off market listing"<sup>1</sup> with a price of \$459,000 or \$188.58 per square foot of living area.

The appraiser adjusted the comparables for closing date, condition, gross living area, room count, basement finish and features such as fireplaces, garage size and other amenities not enjoyed by the subject. The final adjusted sale prices ranged from \$415,940 to \$547,070 or from \$189.75 to \$246.65 per square foot of living area including land. Based on these adjusted comparables, the appraiser estimated the subject's fair market value to be \$500,000 or \$194.93 per square foot of living area including land.

The appellant also included a grid of three equity comparables. The Board did not analyze this evidence since the basis of the appeal was overvaluation. Moreover, the submission appears to be a copy of evidence submitted at the board of review level given counsel's brief and date of the document.

Based on this evidence, the appellant requested that the subject's total assessment be reduced to \$165,000 which reflects a market value of approximately \$495,000 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 \$181,000 was disclosed. The assessment reflects an estimated market value of \$553,856 or \$215.93 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. (86 Ill.Admin.Code Sec. 1910.50(c)(1)).

In a letter, the board of review disagrees with the appraiser's value conclusion. The board of review claims 5 of the 7 comparables in the appraisal had adjusted values higher than the final value conclusion of the subject. The board of review also claims that appellant's comparable #1 was in below average condition requiring substantial rehabbing and that comparable #6 was a short sale.

In support of the subject's assessment, the board of review presented descriptions and information on three comparable properties described as 2-story brick or brick and frame dwellings. They range in age from 33 to 37 years and range in size from 2,332 to 2,888 square feet of living area. The comparables feature full unfinished basements, central air conditioning, 1 fireplace and garages that range in size from 420 to 501 square feet. These properties sold between October 2009 and June 2011 for prices ranging from \$600,000 to \$664,750 or from \$230.18 to \$257.29 per square foot of living area.

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<sup>1</sup> The board of review referred to this comparable as a short sale but provided no documentation of the sale.

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 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 (3<sup>rd</sup> 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 Sec. 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.

The Board finds the appellant submitted an appraisal report of the subject property with a value conclusion of \$500,000 or \$194.93 per square foot of living area including land. The Board further finds the value conclusion reflected an amount that was less than six of the seven comparables on a per square foot basis. The one comparable that was lower than the appraisal value conclusion was comparable #6, which, according to the appraiser was a "temp off market listing" and was "given least consideration in (the) final opinion of value". In light of this analysis of the underlying data in the analysis report, the Board finds the appraiser's value conclusion of \$500,000 is not a reliable and valid indicator of the subject's estimated market value.

The Board will instead analyze the raw sales from all parties. The Board finds the appellant's comparable #1 was significantly smaller than the subject. Appellant's comparable #6 was described as a temp listing. Therefore these comparables received less weight in the Board's analysis. The board of review's comparable #2 from 2011 was not sold proximate to the subject's appraisal date and on this record would not be as reliable or credible an indicator of the subject's market value as of January 1, 2010 as other record evidence of more proximate sales. The Board finds the appellant's comparables #2, #3, #4, #5 and #7 and the board of review's comparables #1 and #3 were most similar to the subject in age, size, style, exterior construction and features. Therefore these comparables received the most weight in the Board's analysis.

These comparables sold or had asking prices ranging from \$530,000 to \$620,000 or from \$211.81 to \$259.24 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$553,856 or \$215.93 per square foot of living area, land included, which is within the range established

by these most similar comparables and particularly well supported by the board of review comparable #3. After adjusting these comparable sales for differences with the subject, the Board finds the subject's estimated market value based on its assessment is well supported.

Therefore, the Board finds the appellant has not proven by a preponderance of the evidence that the subject is overvalued, and no reduction in the subject's assessment 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.

*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: April 19, 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.