



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

APPELLANT: Ross Posner
DOCKET NO.: 10-02254.001-R-1
PARCEL NO.: 16-16-402-005

The parties of record before the Property Tax Appeal Board are Ross Posner, the appellant, by attorney Mitchell L. Klein, of Schiller Klein PC 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: \$65,260
IMPR: \$101,390
TOTAL: \$166,650

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel is improved with a tri-level brick and frame dwelling containing 2,966 square feet of living area. The dwelling was built in 1964 and features a partial unfinished basement, central air conditioning, a fireplace and a garage containing 462 square feet. The subject is located in Highland Park, West Deerfield Township, Lake County.

The appellant contends that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal. The appellant submitted information on three comparable properties described as tri-level or 2-story brick or frame dwellings. They were built between 1960 and 1969 and range in size from 2,868 to 3,216 square feet of living area. Features include central air conditioning and garages that range in size from 462 to 552 square feet. Two dwellings have full or partial unfinished basements and one features a fireplace. The appellant disclosed the comparables sold between August and October 2009 for prices ranging from \$380,000 to \$455,000 or from \$132.50 to \$143.66 per square foot of living area including land. Based on this record, the appellant requested the subject's assessment be reduced to \$133,456 which would reflect a market value of approximately

\$400,400 or \$135.00 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 was disclosed.¹ The subject's total assessment of \$166,650 reflects an estimated market value of \$509,945 or \$171.93 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.

In a letter, the board of review noted that appellant's comparable #2 has no basement and comparable #3 is a 2-story dwelling.

In support of the subject's assessment, the board of review presented descriptions and assessment information on three comparable properties. The comparables are tri-level brick and frame dwellings that were built between 1959 and 1965 and range in size from 2,230 to 3,188 square feet of living area. The comparables feature partial basements, two with finished area, central air conditioning and garages that range in size from 484 to 550 square feet. Two comparables feature fireplaces. The comparables sold between April and July 2009 for prices ranging from \$515,000 to \$620,000 or from \$194.48 to \$230.94 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 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.

The Board finds the appellant's comparable #3 was a 2-story dwelling rather than a tri-level like the subject. The Board further finds that the board of review comparable #3 was

¹ The assessment values on the "Board of Review Notes on Appeal" is incorrect. The correct values are taken from the "Notice of Findings by the Lake County Board of Review".

significantly smaller than the subject. Therefore these two comparables received less weight in the Board's analysis.

The Board finds the appellant's comparables #1 and #2 and the board of review comparables #1 and #2 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 prices ranging from \$380,000 to \$620,000 or from \$132.50 to \$230.27 per square foot of living area. The subject's assessment reflects a market value of \$509,945 or \$171.93 per square foot of living area including land, which is within the range established by these most similar comparables. 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.