



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

APPELLANT: Richard Peck
DOCKET NO.: 10-02305.001-R-1
PARCEL NO.: 10-25-112-058

The parties of record before the Property Tax Appeal Board are Richard Peck, 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: \$19,529
IMPR.: \$75,471
TOTAL: \$95,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of frame construction containing 2,680 square feet of living area. The dwelling was built in 1988 and features a partial unfinished basement, central air conditioning, a fireplace and a 400 square foot attached garage. The home is located in Fremont Township, Lake County, Illinois.

The appellant appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted four suggested comparable sales located from .5 of a mile to 3 miles from the subject property. The comparables consist of two-story frame dwellings containing from 2,470 to 3,252 square feet of living area. The comparables have basements, two of which have finished area. Other features include central air conditioning and garages ranging in size from 420 to 682 square feet of building area. Three comparables have a fireplace. The comparables sold from January 2009 to March 2010 for prices ranging from \$199,000 to \$280,000 or from \$80.57 to \$101.45 per square foot of living area, including land.

The appellant's evidence also included a one page brief and three listing sheets for the subject property. The brief disclosed the subject was listed in October 2009 for \$300,000, which is supported by one of the listing sheets. After being exposed to the market for 178 days, the appellant removed the subject from the market and moved in. The subject was subsequently listed in December 2010 for \$249,900 and again in February 2011 for \$254,900, which is further supported by the listing sheets. The appellant's brief also claims that the assessments of the appellant's comparables were not adjusted to reflect their sale prices and documented their differences when compared to the subject.

The appellant testified that the subject has its original kitchen and bathrooms and the comparables he presented more accurately reflect the subject's condition.

Based on this evidence the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject property's final assessment of \$99,990 was disclosed. The subject's assessment reflects an estimated market value of \$305,967 or \$114.17 per square foot of living area including land using Lake County's 2010 three-year median level of assessments of 32.68%.

In support of the subject's assessment, the board of review submitted a grid analysis, property record cards, listing sheets, photographs and a map depicting the location of four suggested comparable sales. The comparable sales are located from .47 to .93 of a mile from the subject property. The comparables consist of two-story frame dwellings that range in size from 2,309 to 2,818 square feet of living area. The dwellings were built from 1990 to 1993 and feature unfinished basements, central air conditioning, a fireplace and attached garages ranging in size from 400 to 444 square feet of building area. The comparables sold from August 2009 to August 2010 for prices ranging from \$261,000 to \$355,000 or from \$113.04 to \$132.46 per square foot for living area including land.

The board of review's evidence also included a copy of a 2009 decision from the Property Tax Appeal Board lowering the subject's assessment to \$100,000. The board of review cited 35 ILCS 200/16-185, which allows the 2009 decision to be carried forward to 2010 subject to the township equalization factor of 1.0000 applied to assessments in Fremont Township. If the factor were applied, the subject's assessment would be higher for 2010.

Based on the evidence presented, the board of review requested a confirmation of the subject's assessment.

Under rebuttal, the appellant supplied a 7 page list of sales from Mundelein, Illinois depicting the drop in median sale

prices. The Board finds it will not consider the new evidence of the drop in median sale prices from Mundelein, Illinois.

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, Sec. 1910.66(a)). Moreover, rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. (86 Ill. Admin. Code, Sec. 1910.66(c)). Additionally, section 16-180 states each appeal shall be limited to the grounds listed in the petition filed with the Property Tax Appeal Board. (35 ILCS 200/16-180) In light of these rules, the Property Tax Appeal Board has not considered the 7 pages of sales submitted by appellant in conjunction with his rebuttal argument.

Additionally under rebuttal, the appellant critiqued the comparables supplied by the board of review. Comparables #1 through #3 had updates and improvements that the subject lacks and comparable #4 is considerably smaller when compared to the subject.

After hearing the testimony 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 warranted.

The appellant argued the subject property is overvalued. When market value is the basis of the appeal, the value 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). After an analysis of the evidence, the Board finds the appellant has overcome this burden.

As an initial matter, the Board finds that 35 ILCS 200/16-185, which allows for the subject's 2009 decision to be carried forward to 2010 is not applicable in this appeal. The subject property was not occupied by the owner until 2010 and therefore would not have been owner occupied in 2009, which was the year of the Property Tax Appeal Board decision.

This record contains eight suggested comparable sales submitted by both parties. The Board gave less weight to the appellant's comparable #3 due to its considerably larger size when compared to the subject. Additionally, this comparable is located 3 miles from the subject and is 12 years newer than the subject. The Board gave less weight to the board of review's comparable #4 due to its considerably smaller size when compared to the subject. The Board finds the remaining six comparables were most similar to the subject in location, size, exterior construction and features. They sold from January 2009 to March 2010 for prices ranging from \$199,000 to \$355,000 or from \$80.57 to \$132.46 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$305,967 or \$114.17 per square foot of living area including land, which is

within the range established by the most similar sales in the record. However, considering that the subject was exposed to the market from October 2009 until April 2010 for a price of \$300,000, the Board finds the subject's assessment should not reflect a value exceeding its offering price. Therefore, the Property Tax Appeal Board finds the subject's estimated market value as reflected by its assessment is excessive and a slight 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

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.