



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

APPELLANT: Vole-VIP Holding Co.
DOCKET NO.: 10-02607.001-C-1
PARCEL NO.: 08-21-425-014

The parties of record before the Property Tax Appeal Board are Vole-VIP Holding Co., 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: \$2,730
IMPR: \$270
TOTAL: \$3,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel is improved with a 1-story brick commercial building built in 1917 and containing 480 square feet of building area. According to the appraiser the building is in poor condition and basically an empty shell. The subject is located in Waukegan, Waukegan Township, Lake County.

The appellant contends overvaluation of the subject property based on an appraisal report in which a market value of \$4,800 or \$10.00 per square foot of building area including land was estimated for the subject property as of January 1, 2009, a date which is one year prior to the subject's assessment date of January 1, 2010. The appraiser developed the sales comparison approach in estimating the fair market value of the subject property.

The appraiser considered three comparable properties described as 1, 2 or 9-story buildings located within a few blocks of the subject. They were built between 1936 and 1984 and range in size from 4,544 to 62,937 square feet of building area. One comparable features 18 parking spaces. They are described by the appraiser as being in average, fair or good condition. These comparables sold between August 2006 and September 2007 for prices ranging from \$45,000 to \$950,000 or from \$9.90 to \$15.09 per square foot of building area including land.

The appraiser adjusted the comparables for size, condition, parking and land-to-building ratio. The final adjusted sale prices of the three comparables range from \$39,000 to \$710,000 or from \$8.58 to \$11.28 per square foot of building area including land. Based on these adjusted comparables, the appraiser estimated the subject's fair market value to be \$4,800 or \$10.00 per square foot of building area.

Based on this evidence, the appellant requested that the subject's total assessment be reduced to \$1,600 which would reflect a market value of approximately \$4,800 at the statutory level of assessment of 33.33%. The appellant valued the building at \$0 and the land at \$4,800, or \$3.32 per square foot of land area.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$4,712 was disclosed. The subject's assessment reflects an estimated market value of \$14,419 or \$30.04 per square foot of building 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 to the Property Tax Appeal Board, the board of review disagreed with the appraisal value conclusion in that the appraisal date was one year prior to the subject's assessment date and the appellant's sales were dated.

In support of the subject's assessed value, the board of review submitted a grid analysis for six comparable properties described as 1 or 2-story commercial buildings built between 1900 and 1960¹. The buildings range in size from 1,081 to 9,632 square feet of building area². Comparables #1, #2 and #3 sold in January or September 2010 for prices ranging from \$60,000 to \$150,000 or from \$7.27 to \$16.80 per square foot of building area including land. Comparables #4, #5 and #6 were listings dated May 2009 through August 2011 for prices ranging from \$29,900 to \$73,500 or from \$8.90 to \$67.99 per square foot of building area including land³. 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 supports a reduction in the subject's assessment.

¹ Based on property record cards, listing sheets and/or photographic evidence.

² The sizes were taken from the property record cards when available or otherwise from listing sheets. One comparable had no property record card or size on the listing sheet.

³ Comparable #4 had no size reported and therefore was not included in the per square foot calculation.

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 Sec. 1910.65(c)). After an analysis of the evidence in the record, the Board finds a reduction in the subject's assessment is warranted.

The Board finds the appellant submitted an appraisal of the subject property with a final value conclusion of \$4,800 or \$10.00 per square foot of building area including land as of January 1, 2009. In the appeal form the appellant valued the land at \$4,800 and gave no value to the building. The Board finds the appraiser's comparables did not "bracket" the subject, in effect not placing a lower limit on the adjusted values. The appraisal was dated January 1, 2009 and thus the value conclusion has not been adjusted to reflect the subject's value as of the subject's assessment date of January 1, 2010. In light of this analysis of the underlying data in the report and the date of valuation, the Board finds the appraiser's value conclusion of \$4,800 is not a credible and valid indicator of the subject's estimated market value.

The Board will instead analyze the raw sales from all parties. The appellant's comparables #1, #2 and #3 and the board of review comparables #1, #2, #3 and #6 were significantly larger than the subject. The board of review comparable #4 lacked building size information. Appellant's comparables #1, #2 and #3 were dated and on this record were not as reliable or credible indicators of the subject's market value as of January 1, 2010 as other record evidence of more proximate sales. The appellant's comparable #3 and the board of review comparable #5 were significantly newer than the subject. Therefore the board finds none of the comparables submitted by either party were particularly similar to the subject.

The board finds both parties submitted sales information or listings of properties ranging in price from \$29,900 to \$950,000 or from \$7.27 to \$67.99 per square foot of building area including land. However, the Board further finds that seven of these comparables had per square foot values less than \$20 per square foot of building area including land. One comparable had a value of \$67.99 which the Board considers an outlier and one comparable's value per square foot could not be calculated. The subject's assessment reflects an estimated market value of \$30.04 per square foot of building area. Therefore, the Board finds the best evidence on the record demonstrates that the subject is overvalued, and a 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 M. Louie

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.