



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

APPELLANT: Irina Makkai
DOCKET NO.: 10-02648.001-R-1
PARCEL NO.: 16-26-205-009

The parties of record before the Property Tax Appeal Board are Irina Makkai, the appellant, by attorney Laura Godek of Laura Moore Godek, PC, in McHenry, 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: \$82,709
IMPR.: \$53,957
TOTAL: \$136,666

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of frame construction containing 2,223 square feet of living area. The dwelling was constructed in 1914. Features of the home include a full walkout-style basement, which is partially finished, central air conditioning and a two-car garage of 528 square feet of building area.¹ The property has a 10,501 square foot site and is located in Highland Park, Moraine Township, Lake County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted an appraisal estimating the subject property had a market value of \$410,000 as of January 1, 2010. The appraisal was prepared by Jerzy Siudyla, a State of Illinois Certified Residential Real Estate Appraiser. In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value.

The appraiser noted the property to be in overall good condition, although some deferred maintenance in the basement area was noted as depicted in photographs with "strong discoloration on the basement walls" and "moisture by the basement entrance" were noted.

¹ Although the appellant's appraiser reported basement finish and central air conditioning, the assessing officials had neither of these amenities on the subject's property record card.

In the report, the appraiser provided information on four comparable sales located from .3 to 2.3-miles from the subject. The comparables are described as two-story dwellings of frame or stucco and masonry construction that range in size from 1,660 to 2,532 square feet of living area. The dwellings range in age from 80 to 89 years old. Features of the comparables include a full basement, one of which includes finished area. Each home has central air conditioning, a fireplace and a one-car or a two-car garage. The comparables have sites ranging in size from 10,800 to 14,350 square feet of land area. The comparables sold from August to November 2009 for prices ranging from \$367,500 to \$435,000 or from \$161.93 to \$221.39 per square foot of living area, including land.

As part of the Supplemental Addendum, the appraiser reported the sales researched focused on those two-story homes that sold within three months prior to the valuation date and within one-half mile of the subject property in Moraine Township which resulted in finding sale #3. Upon expanding the date of sale and location the appraiser was able to locate three additional sales. "All the comparables utilized within this report represent the same market, similar type of buyers and similar marketing times despite exceeding guidelines for distance." After making adjustments to the comparables for differences from the subject the appraiser estimated the comparables had adjusted prices ranging from \$405,000 to \$416,500 or from \$159.95 to \$245.78 per square foot of living area, including land. Based on this data and giving most weight to sales #1 through #3 due to their proximity to the subject along with additional support from sale #4, the appraiser estimated the subject had an estimated value under the sales comparison approach of \$410,000 or \$184.44 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$181,297 was disclosed. The subject's assessment reflects a market value of \$554,764 or \$249.56 per square foot of living area, including land, when applying the 2010 three year average median level of assessment for Lake County of 32.68% as determined by the Illinois Department of Revenue.

The board of review presented a letter along with a grid analysis of suggested comparable sales, property record cards, photographs and a location map. The board of review noted that three of the four sales comparables in the appellant's appraisal, without adjustments, have values on a per-square-foot basis that are greater than the conclusion for the subject. Additionally, two of the comparables were \pm 1 to 2.3-miles from the subject property. As such, the board of review contends the appraisal does not provide a reasonable estimate of the subject's market value as of January 1, 2010.

In support of the subject's assessment, the board of review submitted information on four comparable sales. Board of review comparable #4 was the same property presented as the appellant's appraiser's comparable #1. The comparables are improved with 1.75-story or 2-story dwellings of stucco, brick or frame construction that range in size from 1,660 to 2,414 square feet of living area. The dwellings were constructed from 1922 to 1936. Features of the comparables include a full or partial basement, one of which is partially finished as a recreation room. Two of the comparables have central air conditioning and each has a fireplace and a garage ranging in size from 240 to 480 square feet of building area with comparable #2 having two garages of 240 and 308 square feet, respectively. The comparables have sites ranging in size from 7,020 to 16,339 square feet of land area. Comparables #1 and #2 have the same neighborhood code as the subject property and the comparables are from .22 to .87 of a mile from the subject. These four comparables sold from October 2009 to June 2010 for prices ranging from \$367,500 to \$603,000 or from \$221.39 to \$266.81 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant argued the board of review's sales comparables lack adjustments for differences from the subject property. Moreover, the criticism of comparing unadjusted sales prices in the appraisal to the value conclusion is not relevant as the appraiser "reconciled the adjusted prices of the comparable properties into an indicated market value of the appraised residence." Additionally, while the subject has been assigned a quality grade of "good" by the assessing officials, board of review comparables #1 through #3 have been assigned a quality grade of "very good" by these same assessing officials indicating the properties are superior to the subject in quality of construction. In addition, counsel submitted copies of Multiple Listing Service sheets regarding board of review comparables #1 through #3 and made various arguments regarding features, upgrades and other superior amenities enjoyed by these properties that were not present at the subject dwelling.

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 Board further finds a reduction in the subject's assessment is warranted.

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 of the property 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); 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or

construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the appraisal of the subject property submitted by the appellant. The appellant's appraiser developed the sales comparison approach to value and the sales utilized by the appraiser were similar to the subject in size, style, exterior construction, features, age and/or land area. Additionally, reasonable adjustments were made for any of these differences from the subject and the appraiser observed and considered the condition of the subject dwelling as described in the report. These comparable properties also sold most proximate in time to the assessment date at issue. The appraised value of \$410,000 is below the market value reflected by the assessment of \$554,764.

Less weight was given the comparable sales presented by the board of review due to differences from the subject in features and/or superior updates as compared to the subject property as presented by the appellant's rebuttal evidence.

Based on this record the Board finds the subject property is overvalued and a reduction in the subject's assessment commensurate with the appellant's request 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: September 20, 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.