



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

APPELLANT: Elisabeth Marden  
DOCKET NO.: 10-04161.001-R-1  
PARCEL NO.: 16-03-110-021

The parties of record before the Property Tax Appeal Board are Elisabeth Marden, 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<sup>1</sup> 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: \$399,199**  
**IMPR: \$28,909**  
**TOTAL: \$428,108**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a two-story dwelling of stucco construction containing approximately 3,924 square feet of living area.<sup>2</sup> The dwelling was constructed in 1910. Features of the home include a partial unfinished walkout-style basement, central air conditioning, a coach house and a four-car garage. The parcel on appeal contains approximately 1-acre of land area<sup>3</sup> and is located in Lake Forest, Moraine Township, Lake County.

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<sup>1</sup> This assessment reduction is based upon a market value finding in this decision and does not address any aspect of the Historic Rehab Exemption reported by the board of review that is applicable to the subject property.

<sup>2</sup> The appellant's appraiser reported a dwelling size of 3,924 square feet supported by a schematic drawing. The board of review submitted a copy of the subject's property record card to support a dwelling size of 3,841 square feet. However, the board of review also submitted a copy of a Certificate of Error that indicated the change was based in part on "building dimensions . . . on field re-measure." The board of review's submission did not address whether the dwelling size reflected the most recent re-measure. Based on this record, the Property Tax Appeal Board finds the best evidence of the subject's dwelling size was presented by the appellant's appraiser.

<sup>3</sup> The appellant's appraiser reported a lot size of 1-acre whereas the board of review contended the subject parcel contains 1.31-acres of land area as depicted on the property record card. Again, however, the board of review also presented a Certificate of Error that states, in pertinent part, "corrected errors in lot size based on survey provided homeowner . . ." Thus, on this record and for purposes of this decision, the lot size of 1-acre is accepted.

The appellant filed this appeal concerning the assessment of parcel number 16-03-110-021 and submitted an appraisal that addressed only that parcel and its improvements as the basis of this appeal. The board of review in response contends that there is an additional secondary vacant parcel known as parcel number 16-03-110-018 that consists of .293 of an acre of land area meaning that the subject property contains a total of 1.603-acres of land area.

On this record, the decision of the Property Tax Appeal Board shall address only the correct assessment of the parcel that is appealed to the Property Tax Appeal Board in accordance with the Board's limited jurisdiction as provided for in the Property Tax Code. (35 ILCS 200/16-180). The board of review cannot by mere reference modify the basis for this appeal and/or add additional parcels for purposes of this appeal that were not challenged by the taxpayer/appellant. (35 ILCS 200/16-160).

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 \$1,310,000 as of January 1, 2010. The appraisal was prepared by Gayle Sullivan and supervised by Michael J. Sullivan, both of whom are licensed appraisers by the State of Illinois. In estimating the market value of the subject property, the appraiser developed the cost and the sales comparison approaches to value.

The appraiser noted the subject property is in average condition. In addition, the stucco exterior needs repair and the wood trim needs painting. A further observation was that the "[m]arket will penalize front door being at the rear of the house." As part of an addendum, the appraiser wrote:

Subject property was built as a coach house for Havenwood, a large Renaissance Palazzo, designed by Howard Van Doren Shaw in 1913. Coach house was purchased by Franciscan Monks and used as a Monastery. In 1964, a one story addition was added to the west side of the home and was of average quality construction with hollow stained doors, acoustic tile ceiling in some rooms. In 1980, the subject was converted to a single family home with the stucco patched and exterior wood work refinished. Slate roof and gutters were replaced in 2002. Kitchen has been updated, however is of average quality construction with the bathrooms being dated.

The appraiser further reported the house is registered with the Historic Preservation Society and any improvements of rehabilitation work must be approved. In addition, the appraiser noted that the second floor area over the detached garage was of average quality construction with minimal heating and the area not being used during winter months.

Under the cost approach, the appraiser estimated the subject had a site value of \$800,000 as derived from the allocation method. The appraiser estimated the reproduction cost new of the improvements to be \$1,076,250 based on Marshall and Swift Cost Books. The appraiser estimated physical depreciation to be \$488,727 based on the age/life method and functional depreciation to be \$50,000 for the floorplan since the subject was originally built as a coach house and the front of the home is actually at the rear house elevation. This resulted in a depreciated improvement value of \$537,523. The appraiser also estimated the site improvements had a value of \$50,000. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$1,387,500 under the cost approach to value.

Using the sales comparison approach, the appraiser provided information on three comparable sales located from .2 to 4-miles from the subject property. The parcels range in size from .70 to 2.47-acres of land area and are improved with Colonial or two-story dwellings of stucco or brick construction that range in size from 4,820 to 6,330 square feet of living area. The dwellings range in age from 21 to 105 years old. Features of the comparables include a full or partial basement, one of which is finished including a bathroom. Two of the comparables have air conditioning, one of which is noted a "partial." While the appraiser noted the subject has no fireplace, the comparables have from three to seven fireplaces. Two of the comparables also have a coach house. Each comparables has either a two-car or a three-car garage. The comparables sold from February 2009 to February 2010 for prices ranging from \$1,350,000 to \$1,500,000 or from \$217.22 to \$311.20 per square foot of living area, including land.

In analyzing the sales, the appraiser noted that the value of the subject property lies in the land and the shell of the historic building. "Any renovation would have to be approved by the Historic Preservation Society as well as the City of Lake Forest." In this regard, there was very limited similar sales data available. Sale #2 reportedly was a similar Frost & Granger designed house that has similar historic renovation requirements. Sale #1 was a David Adler dwelling with similar renovation requirements, but was adjusted for an inferior west side location as partially offset by its larger lot size. Sale #3 located "next door" is newer but in the immediate neighborhood and adjusted for superior age/condition. The appraiser noted that Sale #3 is used to support the indication of value. After making adjustments to the comparables for differences from the subject the appraiser calculated the comparables had adjusted sale prices ranging from \$1,295,000 to \$1,329,500 or from \$210.03 to \$268.67 per square foot of living area, including land. Based on this data the appraiser estimated the subject had an estimated value under the sales comparison approach of \$1,310,000 or \$333.84 per square foot of living area, including land.

In reconciling the two approaches to value, the appraiser gave most weight to the sales comparison approach to value and estimated the subject property had a market value of \$1,310,000 as of January 1, 2010. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the appraised value at the statutory level of assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$516,303 was disclosed. The subject's assessment reflects a market value of \$1,579,875 or \$402.62 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 submitted a letter and other documentation in response to this appeal. In the letter, the board of review discussed the fact that the subject property had a Certificate of Error issued by the Moraine Township Assessor which "reduced [*sic*] the subject's market value to \$1,605,190 . . . ." <sup>4</sup> According to the board of review, the 2010 changed assessment was \$535,010 and that was further reduced by the Historic Rehab Exemption to \$453,951.

As to the appellant's appraisal, the board of review criticized the report as incorrectly identifying the subject property (see footnotes 1 and 2 which have addressed these arguments). In addition, the board of review contends that Sale #1 consists of three homes that separately have 2,566, 3,440 and 2,508 square feet of living area, respectively, which differs from the appraiser's report of a 6,000 square foot home with a coach house. The board of review submitted no documentation to support this contention and the Property Tax Appeal Board takes notice that the photograph of this property included in the appraisal report depicts three neighboring buildings that appear connected on the first floor with one driveway/entrance.

In support of the subject's assessment the board of review submitted information on four comparable sales, two of which were presented as the appraiser's Sales #2 and #3. The properties are located from .17 to 1.23-miles from the subject. The parcels range in size from 30,468 to 42,956 square feet of land area. The lots are improved with dwellings of brick, frame or brick and stucco construction. Comparables #1, #2 and #4 are described as 1.5-story or 2-story dwellings; there is no story height for comparable #3 which the board of review previously indicated is actually three dwellings which purportedly total 5,516 square feet of living area. The remaining three homes range in size from 3,528 to 4,820 square feet of living area. The dwellings

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<sup>4</sup> The Property Tax Appeal Board takes notice that the Attorney General of the State of Illinois has asserted that a county board of review may not alter an assessment once its decision has been properly appealed to the Property Tax Appeal Board, nor may it alter an assessment by certificate of error or by any other procedure after the Property Tax Appeal Board has rendered its decision. 1977 Ill.Atty.Gen.Op. 188 (October 24, 1977), 1977 WL 19157 (Ill.A.G.)

were constructed from 1900 to 1989. Features of the comparables include a basement, two of which include finished area. Three of the homes have central air conditioning and each has from two to seven fireplaces and a garage ranging in size from 480 to 1,220 square feet of building area. The comparables sold from February 2009 to June 2010 for prices ranging from \$1,325,000 to \$1,550,000 or from \$249.27 to \$439.34 per square foot of living area, including land.

Based on this evidence, the board of review in its letter requested confirmation of the subject's assessment which purportedly was \$535,951 (after the issuance of the Certificate of Error) although the board of review final action was a total assessment of \$516,303 according to the Final Decision and the Board of Review - Notes on Appeal.

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 (3<sup>rd</sup> 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 cost and sales comparison approaches to value and gave most weight to the sales comparison approach. The sales utilized by the appraiser were similar to the subject in location, size, style, exterior construction, features, age and/or land area with well explained adjustments for differences contained within the report. These properties also sold proximate in time to the assessment date at issue. The appraised value is below the market value reflected by the assessment of \$516,303 as reported in the Notice of Findings by the Lake County Board of Review issued on March 14, 2011.

Less weight was given the comparable sales presented by the board of review as no adjustments for differences were presented. Furthermore, the board of review presented two additional sales that were not presented in the appraisal. Comparable #4 was built in 1969 and is therefore much newer than the subject. Comparable #2 is an all brick dwelling with a much larger basement than the subject. Due to these differences from the subject, these two comparables were given less weight.

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Based on this record the Board finds the subject property had a market value of \$1,310,000 as of January 1, 2010. Since market value has been determined the 2010 three year average median level of assessment for Lake County of 32.68% shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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

*Marko M. Louie*

Member

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: June 21, 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.