



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

APPELLANT: Sunset Realty
DOCKET NO.: 10-04831.001-R-1
PARCEL NO.: 16-23-317-023

The parties of record before the Property Tax Appeal Board are Sunset Realty, 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 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: \$55,681
IMPR.: \$25,066
TOTAL: \$80,747**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of frame construction containing 992 square feet of living area. The dwelling was constructed in 1925 or is 85 years old. Features of the home include a full unfinished basement and an attached two-car garage of 418 square feet of building area.¹ The property has a 7,986 square foot site located in Highland Park, Moraine Township, Lake County.

The appellant's appeal is based on overvaluation.² In support of this argument, the appellant submitted an appraisal estimating the subject property had a market value of \$230,000 as of January 1, 2009. The appraisal was prepared by Tahir Jaffery, a State of Illinois Certified Residential Real Estate Appraiser, who was supervised by Dale R. Shea, a State of Illinois Certified General Real Estate Appraiser. In estimating the market value of the

¹ The assessing officials report central air conditioning for the subject although the appellant and the appellant's appraiser both report the amenity is not present.

² The subject property was the subject matter of an appeal under Docket No. 09-02286.001-R-1 in which the parties stipulated to a reduced assessment of \$85,965. The dwelling is not an owner-occupied residence and thus the provisions of Section 16-185 of the Property Tax Code do not apply to this property. (35 ILCS 200/16-185).

subject property the appraiser developed the sales comparison approach to value.

The appraiser reported the subject is in below average condition for its effective age of 50 years and remaining economic life of 10 years. However inspection of the property was done from the exterior only and "therefore, the appraiser assumes that the external condition of the property reflects the internal condition." Evidence of water damage to the exterior was visible, parts of the asphalt roofing were missing or were patched with plywood and parts of exterior siding were loose or missing.

Using the sales comparison approach, the appraiser provided information on five comparable sales located from .28 to 1.72-miles from the subject property. The comparables were described as one-story dwellings of brick, frame or stucco exterior construction that range in size from 880 to 1,181 square feet of living area. The dwellings range in age from 60 to 91 years old. Features of the comparables include a full basement, two of which include finished area and one of which includes a bathroom. Each home has central air conditioning and a one-car or a two-car garage. Two of the comparables have a fireplace. The comparables have sites ranging in size from 5,254 to 7,800 square feet of land area. The comparables sold from February 2008 to May 2009 for prices ranging from \$245,000 to \$300,000 or from \$232.35 to \$335.23 per square foot of living area, including land.

In an addendum on page 11 of the report, the appraiser discussed the adjustment process in detail. After making adjustments to the comparables for differences from the subject the appraiser calculated that the comparables had adjusted prices ranging from \$208,150 to \$250,900 or from \$176.25 to \$268.58 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 \$230,000 or \$231.85 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$80,747 which would reflect a market value of approximately \$242,241.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$106,007 was disclosed. The subject's assessment reflects a market value of \$324,379 or \$326.99 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 two-page letter with criticisms of the appellant's appraisal and discussing the board of review's suggested comparable sales. The board of review contends the effective date of the appraisal is "dated" because it is 12

months prior to the assessment date of January 1, 2010. Next, the board of review notes the range of unadjusted sales prices and finds that the value conclusion is "below all five comparables utilized." Lastly, it was noted there were "significant" downward adjustments for condition when compared to the subject, but the inspection was exterior only. In conclusion, the board of review does not believe the value conclusion of the appraisal is reflective of the subject's market value as of the assessment date at issue.

In support of the subject's estimated market value, the board of review submitted information on five comparable sales located from .53 to 1.49-miles from the subject. Board of review comparable #1 is the same property presented by the appraiser as sale #1. The board of review's comparable parcels range in size from 5,200 to 7,683 square feet of land area. The lots are improved with one-story dwellings of brick, frame or stucco exterior construction that range in size from 880 to 1,202 square feet of living area. The dwellings were constructed from 1920 to 1954. Features of the comparables include a full basement, two of which have finish recreation room areas. Three of the comparables have central air conditioning and four of the comparables have a fireplace. Four properties have a garage ranging in size from 324 to 504 square feet of building area. None of the comparables have the same neighborhood code as the subject property. The comparables sold from April 2009 to August 2010 for prices ranging from \$266,000 to \$329,500 or from \$252.31 to \$335.80 per square foot of living area, including land.

Based on this unadjusted sales evidence that brackets the subject's estimated market value, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant contends the board of review's sales data is "raw" in that it has not been adjusted for differences from the subject. In addition, the appellant provided Multiple Listing Service sheets for the sales comparables presented by the board of review which reflect that each dwelling has had substantial remodeling and updating. For instance, the listing sheet for comparable #1 which appellant's appraiser reported to be in "above average" condition includes "new kitchen with granite island & ctrs, wood cabs, slate backsplash . . . refinished HDWD flrs . . . upstairs stone bath w/whirlpool tub. Full walkout basement . . . crown moulding [*sic*] and more." Comparable #5 was originally a foreclosure sale and then was remodeled including granite kitchen counters, marble floors, a jacuzzi and steam shower, new roof and new furnace.

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 appellant submitted a copy of an appraisal of the subject property with a valuation as of January 1, 2009. The appellant's appraiser developed the sales comparison approach to value and adjusted the comparables for differences including quality issues such as the evidence revealed regarding sale #1 which was also a property presented by the board of review. The sales utilized by the appraiser were similar to the subject in location, size, style, features, age and/or land area. While the appellant's appraisal has a valuation date of January 1, 2009, examination of the report reveals that only sale #5 that occurred in February 2008 was given an adjustment for time/date of sale whereas the remaining sales were not adjusted for time and occurred from July 2008 to May 2009. The appraiser's opinion of the subject's market value is below the estimated market value reflected by the assessment.

Less weight was given the comparable sales presented by the board of review due to differences from the subject in updating and remodeling as reported by the appellant in rebuttal.

In addition, the stipulation of the parties to an assessment reduction for 2010 to \$85,965 further supports the contention, in the absence of evidence of upgrades or improvements to the structure, that the subject's 2011 assessment of \$106,007 may be excessive. (86 Ill.Admin.Code §1910.90(i)).

Based on this record as a whole, the Board finds the subject property is overvalued and a reduction in the subject's assessment in accordance 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

[Signature]

Member

[Signature]

Member

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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: May 24, 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.