



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

APPELLANT: Raghu Sundharam
DOCKET NO.: 11-03964.001-R-1
PARCEL NO.: 15-21-219-102

The parties of record before the Property Tax Appeal Board are Raghu Sundharam, 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: \$38,512
IMPR: \$68,474
TOTAL: \$106,986

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Lake County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2011 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a multi-story townhome of brick and frame construction. The dwelling was constructed in 2010. Features of the townhome include a partial basement with finished area, central air conditioning and a two-car basement

garage of 468 square feet accessed in the rear of the home.¹ The property is located in Buffalo Grove, Vernon Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$300,000 as of March 21, 2012. Both the appellant and the appraiser both also reported that the subject property was purchased, as new construction, in September 2010 for approximately \$330,000. Based upon the appraisal evidence, the appellant requested an assessment reflective of the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$109,989. The subject's assessment reflects a market value of \$339,263, land included, when using the 2011 three year average median level of assessment for Lake County of 32.42% as determined by the Illinois Department of Revenue.

In support of the subject's recent purchase price, the board of review submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration reporting that the subject property was advertised prior to its sale in September 2010 for \$330,005. Also attached was a copy of the Multiple Listing Service data sheet depicting that the subject property was listed on the market in April 2010 for \$350,900 and eventually sold in September 2010 for \$330,000. The board of review further reported that the subject's assessment was reduced by the board of review to reflect the purchase price at the statutory level of assessment of 33.33%.

In further support of its contention of the correct assessment the board of review submitted information on three additional comparable sales of properties in the Waterbury Place townhome development.

As to the appellant's appraisal report, the board of review noted the valuation date was nearly 16 months after the valuation date at issue in this appeal of January 1, 2011.

¹ The appellant's appraiser reported the above-grade living area as 1,273 square feet which was supported by a schematic drawing. The assessing officials have included the basement area in the above-grade living area due to the partial exposure of the basement and determined a dwelling size of 1,968 square feet. Due to the facts surrounding this overvaluation appeal, the dispute concerning the dwelling size is irrelevant to a determination in this matter.

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

Conclusion of Law

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. 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.

Ordinarily, property is valued based on its fair cash value (also referred to as fair market value), "meaning the amount the property would bring at a voluntary sale where the owner is ready, willing, and able to sell; the buyer is ready, willing, and able to buy; and neither is under a compulsion to do so." Illini Country Club, 263 Ill. App. 3d at 418, 635 N.E.2d at 1353; see also 35 ILCS 200/9-145(a). The Illinois Supreme Court has held that a contemporaneous sale of the subject property between parties dealing at arm's length is relevant to the question of fair market value. People ex rel. Korzen v. Belt Ry. Co. of Chicago, 37 Ill. 2d 158, 161, 226 N.E.2d 265, 267 (1967). A contemporaneous sale of property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be practically conclusive on the issue of whether an assessment is reflective of market value. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill. App. 3d 369 (1st Dist. 1983); People ex rel. Munson v. Morningside Heights, Inc., 45 Ill. 2d 338 (1970); People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill. 2d 158 (1967); and People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945). In light of this holding, the appellant's appraisal with an opinion of value as of March 21, 2012 and the comparable sales submitted by the board of review in this matter were given less weight.

The Board finds the best evidence of the subject's fair market value in the record is the September 23, 2010 sale/purchase price of \$330,000. The Property Tax Appeal Board finds the sale was not a transfer between family or related parties; the property was advertised for sale through the Multiple Listing Service and involved a Realtor. Furthermore, the Board finds there is no evidence in the record that the sale price was not reflective of the subject's market value. Moreover, the board

of review did not contest the arm's-length nature of the subject's sale, thus, based on the foregoing facts, the Property Tax Appeal Board finds the subject's September 2010 purchase price of \$330,000 was arm's-length in nature.

Based on the foregoing analysis, the Property Tax Appeal Board finds the subject property had a market value of \$330,000 as of January 1, 2011, approximately three months after the purchase date. The subject's assessment reflects an estimated market value of approximately \$339,263 at the 2011 three year median level of assessments for Lake County of 32.42% as determined by the Illinois Department of Revenue, which is higher than its arm's-length sale price.

Therefore, a reduction in the subject's assessment is warranted and since the fair market value of the subject has been established as \$330,000, the Property Tax Appeal Board finds that the 2011 three-year median level of assessment for Lake County of 32.42% shall apply. (86 Ill.Admin.Code §1910.50(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.

Ronald R. Crit

Chairman

K. L. Fan

Member

Richard A. Huff

Member

Mario M. Lino

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 19, 2014

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.