



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

APPELLANT: Dave Drucker
DOCKET NO.: 11-04111.001-R-1
PARCEL NO.: 14-10-208-006

The parties of record before the Property Tax Appeal Board are Dave Drucker, the appellant, by attorney Joanne Elliott of Elliott & Associates, P.C., in Des Plaines, 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: \$41,061
IMPR: \$114,895
TOTAL: \$155,956

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 two-story dwelling of brick construction with approximately 3,207 square feet of living area. The dwelling was constructed in 1992. Features of the

home include a full walkout-style basement with finished area,¹ central air conditioning, two fireplaces and an attached three-car garage of 1,088 square feet. The property has a 1.82-acre site with a residential/pond view and is located in Hawthorn Woods, Ela 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 \$445,000 as of January 1, 2011. Based on this evidence, the appellant requested a total assessment reflective of the appraised value at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$175,181. The subject's assessment reflects a market value of \$540,349 or \$168.49 per square foot of living area, land included, based upon a dwelling size of 3,207 square feet, 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.

As to the appellant's appraisal report, the board of review noted that comparables #2 and #3 sold in 2009, dates that were 14 to 16 months prior to the assessment date at issue of January 1, 2011. Additionally, one of the sales in the appraisal report was "from a different development." Finally, the board of review contended that sale #3 in the appraisal was similar, if not superior, to the subject property given site size and view; comparable #3 sold in August 2009 for \$520,000 and thus, the board of review contends that the appraisal report with a value conclusion for the subject of \$445,000 as of January 1, 2011 is not a reasonable estimate of the subject's market value.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales located within .35 of a mile of the subject property. The board of review acknowledged that the subject has the largest parcel with a pond view and the largest garage; however, these sales bracket the subject's dwelling size, basement size and age. Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In rebuttal, counsel for the appellant contended that the board of review's submission consists of raw, unconfirmed and

¹ The appellant's appraiser reported the basement was 60% finished although the assessing officials report the subject has an unfinished basement.

unadjusted sales comparables and criticisms/comments on the appellant's appraisal which the appellant replied includes "appropriate adjustments to the [appraiser's] three sales comps with regards to the differences in site and date of sale." Furthermore, the appellant's counsel specifically addressed board of review comparable sales #2, #3 and #4. It was contended based upon the applicable Multiple Listing Service data sheets that the board of review's comparables sold after the valuation date at issue, were not exposed for long on the open market prior to sale and/or differ in dwelling size and/or age from the subject dwelling. As such without adjustments for time, market conditions, age, size and other differences, the appellant's counsel argued that these comparables should be given little weight in the Board's analysis.

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.

The Board has given little weight to the value conclusion in the appellant's appraisal report in part because the adjustment process appears to be inconsistent based on the appraisers land value analysis of the subject property in the cost approach. Moreover, the appraiser's reliance upon two sales from 2009 and only one sale from 2011 to arrive at a value conclusion with substantial downward adjustments for time/date of sale to the oldest sales is not well stated/supported in the report. Finally, the analysis involved only three sales, one of which was a ranch-style dwelling which differs substantially from the subject's two-story design. Thus, having found that the appraisal report is not a reliable and credible indicator of the subject's market value, the Board will consider the best comparable sales in the record presented by both parties.

The Property Tax Appeal Board has given little weight to appraisal sales #2 and #3 along with board of review comparable sale #2 as these properties sold in 2009 and 2013, dates which are distant from the valuation date at issue of January 1, 2011 and therefore, less likely to be indicative of the subject's

market value. The Board has also given reduced weight to board of review comparables #3 and #4 as these dwellings are smaller than the subject home.

The Board finds the best evidence of market value to be the appraisal sale #1 and board of review comparable sale #1 which sold in January 2011 and June 2011 for prices of \$430,000 and \$445,000 or for \$119.11 and \$145.14 per square foot of living area, including land. The subject's assessment reflects a market value of \$540,349 or \$168.49 per square foot of living area, including land, which is above the best comparable sales in the record, although the subject has a much larger lot with a pond view, a full walkout-style basement with finished area and a large garage which would justify a higher value than these comparables.

On this record, the Board finds the subject property is overvalued and a reduction 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.

Ronald R. Crit

Chairman

K. L. F...

Member

Richard A. ...

Member

Mark ...

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.