



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

APPELLANT: Douglas Ashley
DOCKET NO.: 11-04466.001-R-1
PARCEL NO.: 12-33-208-013

The parties of record before the Property Tax Appeal Board are Douglas Ashley, the appellant, by attorney Scott J. Linn of the Law Office of Scott J. Linn in Deerfield; 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: \$152,638
IMPR.: \$106,560
TOTAL: \$259,198

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 3,438 square feet of living area. The dwelling was constructed in 1966. Features of the home include a full unfinished basement, central air conditioning, a fireplace¹ and a 480 square foot garage. The property has a 17,800 square foot

¹ The board of review submitted a Multiple Listing Service (MLS) sheet for the subject disclosing the subject has 2 fireplaces.

site and is located in Lake Forest, Shields Township, Lake County.

The appellant appeared, through counsel, before the Property Tax Appeal Board contending overvaluation as the basis of the appeal. The appellant did not challenge the subject's land assessment. In support of this argument, the appellant submitted information on three suggested comparable sales. The sales occurred from October 2009 to September 2011 for prices ranging from \$585,000 to \$811,000 or from \$186.55 to \$233.49 per square foot of living area, including land. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$266,473. The subject's assessment reflects a market value of \$821,940 or \$239.08 per square foot of living area, 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 its contention of the correct assessment, the board of review submitted information on three suggested comparable sales. The sales occurred from July 2010 to July 2012 for prices ranging from \$960,000 to \$980,000 or from \$257.89 to \$301.70 per square foot of living area, including land.

The board of review's evidence included a Multiple Listing Service (MLS) sheet for the subject disclosing the subject was sold June 1, 2010 for a price of \$799,500. Additionally, a copy of the subject's Illinois Real Estate Transfer Declaration (PTAX-203) was submitted disclosing the property was advertised for sale and reiterated the sale price of \$799,500.

At the hearing, the board of review's representative argued that the appellant's comparable #1 is 60 years older than the subject and has a much smaller dwelling size. In addition, this comparable has inferior stucco exterior construction, an inferior quality grade and one less bathroom when compared to the subject. The board of review's representative also argued that the appellant's comparable #3 was a short sale and has inferior wood siding, when compared to the subject.

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

Conclusion of Law

For this appeal, 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 evidence in this record supports a reduction in the subject's assessment.

The Illinois Supreme Court has defined fair cash value as what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d. 428, (1970). 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).

The Board finds the best evidence of the subject's market value to be the subject's June 1, 2010 sale, which occurred seven months prior to the subject's January 1, 2011 assessment date. The Board further finds there is no evidence in the record that would demonstrate that the subject's sale in June 2010 for \$799,500 was not an arm's-length transaction. The subject's assessment reflects an estimated market value of \$821,940, which is excessive in light of the subject's 2010 arm's-length sale price of \$799,500. Since fair market value has been established, Lake County's 2011 three-year median level of assessments of 32.42% shall apply.

The Board gave less weight to the comparables submitted by the parties. The comparable sales do not overcome the subject's arm's-length sale price. Therefore, the Board finds the appellant demonstrated by a preponderance of the evidence that the subject was overvalued and a reduction in the subject's assessment is justified.

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: June 20, 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.