



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

APPELLANT: Ralph Liberatore
DOCKET NO.: 12-01411.001-R-1
PARCEL NO.: 14-35-104-005

The parties of record before the Property Tax Appeal Board are Ralph Liberatore, the appellant, and the Lake County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$ 50,890
IMPR.: \$ 171,330
TOTAL: \$ 222,220

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 2012 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 is improved with a two-story single family dwelling of brick exterior construction with 4,524 square feet of living area. The dwelling was constructed in 1998. Features of the home include an unfinished basement, central air conditioning, two fireplaces and a three-car attached garage with 792 square feet of building area. The property has a

80,492 square foot site and is located in Kildeer, Ela Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on three comparable sales improved with two-story dwellings that sold from June 2011 to April 2013 for prices ranging from \$503,000 to \$635,000 or from \$122.87 to \$151.48 per square foot of living area, including land. The appellant requested the subject's assessment be reduced to \$209,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$222,220. The subject's assessment reflects a market value of \$679,156 or \$150.12 per square foot of living area, land included, when using the 2012 three year average median level of assessment for Lake County of 33.72% 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 comparables sales. Board of review comparable sale #1 was the same property as appellant's comparable sale #1. The board of review comparable sales sold from June 2011 to July 2013 for prices ranging from \$535,000 to \$746,500 or from \$151.48 to \$177.36 per square foot of living area, including land.

The board of review further asserted the subject property was the subject matter of an appeal before the Property Tax Appeal Board for the 2011 tax year under Docket Number 11-02217.001-R-1. In that appeal the Property Tax Appeal Board issued a decision reducing the subject's assessment to \$230,425 based on an agreement of the parties. The board of review further explained that Ela Township's general assessment cycle began in 2011. It further indicated that in tax year 2012 a township equalization factor of 0.9769 was applied in Ela Township. The board of review explained that if the assessment for the 2012 tax year was calculated by applying the 2012 equalization factor to the Property Tax Appeal Board's assessment as determined for the 2011 tax year in accordance with section 16-185 of the Property Tax Code (35 ILCS 200/16-185) the subject's assessment would be \$225,102. The board of review asserted the subject's actual assessment for the 2012 tax year is \$222,220, which is less than required by the application of section 16-185 of the Property Tax Code. 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

Initially, the Board finds section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

35 ILCS 200/16-185. The Board further finds that the subject property was the subject matter of an appeal for the 2011 tax year in which a decision was issued by the Property Tax Appeal Board reducing the subject's assessment to \$230,425. The record further disclosed the subject property is an owner occupied dwelling and that the 2011 and 2012 tax years are within the same general assessment period. Furthermore, the decision of the Property Tax Appeal Board for the 2011 tax year was not reversed or modified upon review and there was no evidence the property sold establishing a different fair cash value. The record also disclosed that an equalization factor of 0.9769 was applied in Ela Township in tax year 2012. Applying section 16-185 of the Property Tax Code would result in an assessment of \$225,102, which is greater than the 2012 assessment of the subject property of \$222,220. After considering the requirements of section 16-185 of the Property Tax Code, the Property Tax Appeal Board finds that a reduction in the subject's assessment is not warranted.

Furthermore, the record contains information on six comparable sales submitted by the parties with varying degrees of similarities to the subject property. These properties had prices ranging from \$122.87 to \$177.36 per square foot of living area, including land, with a comparable common to both parties having a unit price of \$151.48 per square foot of living area, including land. The subject's assessment reflects a market value of \$150.12 per square foot of living area, land included, which is within the range established by the comparable sales on a per square foot basis and below the per square foot sales price of the common comparable.

Based on this record the Board finds a reduction in the subject's assessment is not 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.

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.