



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

APPELLANT: Bill Deevy
DOCKET NO.: 12-01784.001-R-1
PARCEL NO.: 13-23-402-007

The parties of record before the Property Tax Appeal Board are Bill Deevy, the appellant, by attorney Nora Doherty of Steven B. Pearlman & Associates, 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: \$62,510
IMPR: \$117,450
TOTAL: \$179,960

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 consists of a 1.5-story single-family dwelling of brick construction with 4,303 square feet of living area. The dwelling was constructed in 1970. Features of the home include a full basement with finished area, central air conditioning, three fireplaces, an attached two-car garage of

850 square feet of building area and an in-ground swimming pool. The property also has a 1,176 square foot barn that was built in 1977 and has a 4.4-acre or 191,751 square foot site. The property is located in Barrington, Cuba Township, Lake County.

The appellant contends overvaluation as the only basis of the appeal¹ in Section 2d of the Residential Appeal petition. In support of this argument, the appellant submitted an appraisal estimating the subject property had a market value of \$550,000 as of January 1, 2012. Although having marked "comparable sales" as an additional basis of the appeal, the appellant submitted two sets of grid analyses with six suggested equity comparables, but did not denote "assessment equity" as a basis of this appeal.

As to the subject dwelling, the appraiser noted the property was in average overall condition. The appraiser also contended the bathrooms were outdated and "there are various places throughout the home that have water damage." Specifically, the appraiser stated the home has original windows, water damage due to a roof leak and water seepage in the basement from foundation cracks.

In developing a value conclusion based upon comparable sales, the appraiser analyzed four sales of properties located from .58 to 1.63-miles from the subject property. The comparable parcels range in size from 1.13 to 4.5-acres of land area. The comparables are improved with two-story frame, masonry or frame and masonry dwellings that range in age from 27 to 44 years old. The comparables range in size from 3,391 to 6,911 square feet of living area and feature full or partial finished basements, central air conditioning and a two-car or a three-car garage. One comparable has a barn, one comparable has a shed and two comparables have in-ground pools. These properties sold between April 2011 and July 2012 for prices ranging from \$450,000 to \$525,000 or from \$65.11 to \$144.50 per square foot of living area, including land. After adjusting the comparables for differences from the subject, the appraiser estimated adjusted sales prices ranging from \$401,840 to \$563,500. Based on this evidence, the appraiser opined a market value for the subject property of \$550,000 giving most weight to the three sales that reflected the higher end of the adjusted sales prices.

¹ While appellant's counsel also submitted a grid reflecting the assessments of six properties, Section 2d of the Residential Appeal petition only noted "comparable sales," "contention of law" and "recent appraisal" as the bases of this appeal.

Based on the foregoing 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 \$233,310. The subject's assessment reflects a market value of \$713,050 or \$165.71 per square foot of living area, land included, when using the 2012 three year average median level of assessment for Lake County of 32.72% as determined by the Illinois Department of Revenue.

As to the appellant's appraisal, the board of review noted that three of the four comparable sales were located more than one mile from the subject. Also, sale #1 in the appraisal report was an "estate sale" with no adjustment or "discussion offered." The board of review also commented that the adjustments for living area and/or site size were "too low for the subject's market area." Several of the comparable parcels also are significantly smaller than the subject property.

In support of its contention of the correct assessment the board of review submitted information on five comparables sales located within .88 of a mile from the subject property. The parcels range in size from 2.75 to 4.28-acres of land area and are improved with 1 part two-story and part one-story, 2 two-story and 2 one-story dwellings of frame or brick exterior construction. The homes were built between 1919 and 1987 with dwelling sizes ranging from 3,279 to 4,300 square feet of living area. Each home has a basement, four of which have finished area. Four homes have central air conditioning and each has one to three fireplaces. Four of the comparables have a garage. These five comparables sold between June 2011 and March 2013 for prices ranging from \$608,000 to \$774,500 or from \$161.10 to \$196.26 per square foot of living area, including land.

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

In written rebuttal, the appellant's counsel noted that none of the sales presented by the board of review have been adjusted for differences from the subject. Counsel also pointed out differences in design, quality grades, amenities and/or age when comparing the suggested comparable sales to the subject dwelling.

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 finds the best evidence of market value to be the appraisal submitted by the appellant with an opinion of value as of January 1, 2012 of \$550,000. The Board has given reduced weight to the board of review comparable sales due to differences in design, size and/or age as compared to the subject property. The subject's assessment reflects a market value of \$713,050 or \$165.71 per square foot of living area, including land, which is above the appraised value. The Board finds the subject property had a market value of \$550,000 as of the assessment date at issue. Since market value has been established the 2012 three year average median level of assessments for Lake County of 32.72% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(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: July 18, 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.