



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

APPELLANT: Thomas & Helen Daly
DOCKET NO.: 12-02127.001-R-1
PARCEL NO.: 13-33-401-002

The parties of record before the Property Tax Appeal Board are Thomas & Helen Daly, the appellants, by attorney Robert J. Masini, of Diver, Grach, Quade & Masini, LLP in Waukegan; 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: \$68,031
IMPR.: \$201,699
TOTAL: \$269,730

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of brick exterior construction containing approximately 6,700 square feet of living area. The dwelling was built in 1989. Features of the home include a partial finished basement, central air conditioning, three fireplaces, an in ground swimming pool and an attached three-car garage. The home is situated on a 198,041 square foot site located in Barrington Hills, Cuba Township, Lake County, Illinois

The appellants appeared through counsel before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellants submitted an appraisal of the subject property prepared by a state licensed

appraiser. The appraiser, Grant Stewart, was present at the hearing. The appraisal report conveys an estimated market value for the subject property of \$810,000 as of January 1, 2012 using the sales comparison approach to value.

Under the sales comparison approach to value, the appraiser utilized three comparable sales from Barrington Hills. The comparable sales consist of two-story dwellings of brick and cedar or brick, stucco and stone exterior construction that contain from 5,947 to 6,887 square feet of living area. The dwellings were built from 1988 to 2007. Two comparables feature walkout basements, one of which has finished area and one comparable has a full finished basement. Other features of the homes include central air conditioning, three or four fireplaces and three-car garages. Comparable #1 also has a swimming pool and a spa. The comparables sold in September or October of 2012 for prices ranging from \$745,000 to \$825,000 or from \$118.59 to \$129.48 per square foot for living area including land.

The appraiser adjusted the comparables for differences when compared to the subject in site, view, quality of construction, age, room count, gross living area, basement and finish, rooms below grade, porch/patio/deck and fireplace. Based on this adjusted comparable sales range, the appraiser concluded the subject had a fair market value of \$810,000 as of January 1, 2012.

Mr. Stewart testified that he has appraised the subject property in the past, and when inspecting the subject for the 2012 appraisal, he detected the subject was in need of exterior brick repairs due to cracking. Stewart further testified that the subject's kitchen has not been updated and retained its original oak cabinets. In addition, Stewart disclosed that the subject's neighborhood of Barrington Hills is located in the four counties of Cook, Lake, McHenry and Kane. Stewart testified that even though his comparable #1 is located over a mile from the subject in McHenry County, a purchaser in the Barrington Hills market would give it consideration. Stewart testified that his comparable #2 is located in Cook County, which is probably the most desirable location due to its low tax rate and proximity to city transportation. Stewart testified that his comparable #3 is located in Lake County and even though it was a foreclosure, it was on the market for approximately 1,100 days.

The board of review cross examined the appraiser as to the adjustments that were done to the comparables for site, view, size, basement size and finish, and room count.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$368,058 was disclosed. The subject's assessment reflects an estimated market value of \$1,124,872 or \$167.89 per square foot of living area including land, using 6,700 square feet of living area and using Lake County's 2012 three-year median level of assessments of 32.72%.

In support of the subject's assessment, the board of review submitted six suggested comparable sales. The comparables consist of one-story or two-story frame, brick or frame and brick dwellings that contain from 4,872 to 7,476 square feet of living area. The dwellings were built from 1968 to 2007. The comparables feature full or partial basements, four of which have finished area. Other features include central air conditioning, from two to seven fireplaces and attached garages ranging in size from 750 to 1,259 square feet of building area. Comparable #5 has an additional 1,320 square foot detached garage. The comparables sold from July 2011 to July 2013 for prices ranging from \$1,050,000 to \$1,750,000 or from \$207.88 to \$270.98 per square foot for living area including land. Based on the evidence presented, the board of review requested a confirmation of the subject's assessment.

During cross examination, the board of review's representative acknowledged that their comparable #6 is not located in the Barrington Hills neighborhood.

After hearing testimony and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Property Tax Appeal Board further finds a reduction in the subject property's assessment is warranted.

The appellants argued the subject property was overvalued. 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 appellants did meet this burden of proof.

The appellants submitted an appraisal report estimating the subject property had a fair market value of \$810,000 as of January 1, 2012. The board of review offered six comparable properties.

The Board finds the appellants' appraisal was well prepared and the adjustments to the comparable sales were supported. The Board further finds the appraiser's knowledge of the subject's neighborhood was extensive and his testimony was concise. The Board gave less weight to the board of review's comparables. Comparables #1 and #2 had sale dates occurring greater than 16 months after the subject's January 1, 2012 assessment date. These sales would lack probative value as to the subject property's real estate market as of the assessment date at issue. Comparables #3, #4 and #5 were reported to be dissimilar one-story dwellings when compared to the subject. Comparable #6 is located on West Cuba Road, which is not in the Barrington Hills neighborhood like the subject and is considerably smaller than the subject.

The Property Tax Appeal Board finds that the best evidence of the subject's market value as of the subject's January 1, 2012 assessment date was the appraisal submitted by the appellants. The appraisal report conveys an estimated market value for the subject property of \$810,000 as of January 1, 2012, which is less than the subject's estimated market value reflected by its assessment. The Board therefore finds a reduction in the subject's assessment commensurate with the appellants' request 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. Cuit

Chairman

K. L. Fern

Member

Tracy 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: August 22, 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.