



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

APPELLANT: Heather & Sean Smith
DOCKET NO.: 12-02415.001-R-1
PARCEL NO.: 06-01-401-182

The parties of record before the Property Tax Appeal Board are Heather & Sean Smith, the appellants, by attorney Jerri K. Bush 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: \$7,678
IMPR: \$25,697
TOTAL: \$33,375**

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 two-story townhouse of frame construction with 1,412 square feet of living area. The dwelling was constructed in 1998. Features of the home include central air conditioning and a 240 square foot garage. The property is located in Lindenhurst, Lake Villa Township, Lake County.

The appellants submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this claim, the appellants submitted a limited market

analysis prepared by ProTaxAppeal that was dated March 26, 2013. The report was not signed nor were the professional credentials of the person(s) who prepared the report disclosed. The analysis included information for five suggested comparable sales reported as being located from .04 to .15 of a mile from the subject. The comparables are part one-story and part two-story or two-story townhomes of "Avg" quality grade and condition. The analysis did not disclose the comparables' land size, exterior construction or whether the homes had central air conditioning. The dwellings were built in 1999. Each home has 1,412 square feet of living area and a 240 square foot garage. One comparable has a fireplace. The comparables sold from January to June of 2012 for prices ranging from \$62,000 to \$102,000 or from \$43.91 to \$72.24 per square foot of living area including land. The analysis included adjustments to the comparables for lien date/sale date, number of stories, age and fireplace. No evidence to support the adjustment amounts was supplied. Data Sources at the bottom of the analysis were listed as Assessor, MLS, Realist, Marshall & Swift and IRPAM.

Based on this evidence, the appellants requested a reduction in the subject's assessed valuation.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$35,179. The subject's assessment reflects an estimated market value of \$107,515 or \$76.14 per square foot of living area including land when applying the 2012 three-year average median level of assessment for Lake County of 32.72% as determined by the Illinois Department of Revenue.

In support of the subject's assessment, the board of review submitted five suggested comparable sales located from .03 to .14 of a mile from the subject. The board of review's comparables #2 and #3 are the same properties as the appellants' comparables #3 and #4. The comparables are part one-story and part two-story or two-story townhomes of frame construction. The dwellings range in size from 1,203 to 1,542 square feet of living area. The dwellings were built in 1999. The comparables have central air conditioning and garages of either 240 or 400 square feet of building area. Two comparables have a fireplace. The comparables sold from July 2011 to April 2012 for prices ranging from \$97,000 to \$121,500 or from \$68.70 to \$92.68 per square foot of living area including land.

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

Under rebuttal, the appellants' counsel argued the board of review's comparables #4 and #5 are a different model home as the subject and are located in a different neighborhood than the subject.

Conclusion of Law

The appellants contend 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 appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The parties submitted eight comparables for the Board's consideration. The Board gave less weight to the board of review's comparables #4 and #5 due to their dissimilar dwelling sizes when compared to the subject. The Board finds the remaining six comparables were most similar to the subject in location, style, size and features. These most similar comparables sold for prices ranging from \$62,000 to \$121,500 or from \$43.91 to \$86.05 per square foot of living area, including land. The subject's assessment reflects a market value of \$107,515 or \$76.14 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. However, the Board further finds that only one of the best six comparables has a higher per square foot value than the subject. After considering logical adjustments to the comparables for differences to the subject, the Board finds a preponderance of the evidence supports a reduction in the subject's assessment.

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.

Chairman

K. L. Ferri

Member

Marko M. Louie

Member

Member

[Signature]

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: April 24, 2015

[Signature]

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.