



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

APPELLANT: Charles & Jacqueline Tillman
DOCKET NO.: 12-02831.001-R-1
PARCEL NO.: 11-02-401-107

The parties of record before the Property Tax Appeal Board are Charles & Jacqueline Tillman, the appellants, by attorney Robert M. Sarnoff of Sarnoff & Baccash, in Chicago; 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: \$ 47,893
IMPR.: \$ 231,370
TOTAL: \$ 279,263

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 two-story dwelling of frame and masonry exterior construction containing 4,722 square feet of living area. The dwelling was constructed in 2005. Features of the home include a full finished basement, central air

conditioning, three fireplaces, an indoor pool with 1,837 square feet of building area and a 929 square foot three-car attached garage. The property has a 26,946 square foot site. The subject property is located in Libertyville Township, Lake County.

The appellants submitted evidence before the Property Tax Appeal Board contending that the subject property was overvalued. In support of this argument, the appellants submitted an appraisal estimating the subject property has a market value of \$775,000 as of September 18, 2012. The appraiser developed the sales comparison and cost approaches to value in arriving at the final value conclusion. The appraiser placed most weight on the sales comparison approach to value in which five suggested comparables sales were analyzed. Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$279,263 was disclosed. The subject's assessment reflects a market value of \$853,493 or \$180.75 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 three suggested comparable sales located in close proximity to the subject. The comparables had varying degrees of similarity when compared to the subject. Comparable #1 was also used by the appellant's appraiser. The comparables sold from November 2011 to September 2012 for prices ranging from \$675,000 to \$860,000 or from \$132.15 to \$192.14 per square foot of living area including land.

With respect to the appellants' evidence, the board of review argued the effective date of the appraisal is nine months after the subject's January 1, 2012 assessment date. Appraisal comparable #2 is 37% smaller than the subject dwelling. The board of review also questioned the dwelling size adjustment amount and the lack of the adjustments to the comparables regarding the contributory value of the subject's indoor swimming pool.

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

Under rebuttal, the appellants' counsel argued the board of review submitted a survey of comparable sales, but did not adjust the comparables for differences to the subject in dwelling size, location, time of sale, sale condition or any other necessary adjustment. The appellant also argued comparable sales #1 and #3 are significantly smaller than the subject dwelling¹.

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 did not meet this burden of proof and no reduction in the subject's assessment is warranted.

The appellants contend the market value of the subject property is not accurately reflected in its assessed valuation. In support of this claim, the appellants submitted an appraisal estimating the subject property has a market value of \$775,000 as of September 18, 2012. The board of review submitted three suggested comparable sales to support its assessed valuation of the subject property. After reviewing both parties valuation evidence, the Board gave less weight to the value conclusion of the appraisal submitted by the appellants. The Board finds appraisal comparable #2 is considerably smaller than the subject dwelling. Appraisal comparable #3 is considerably older than the subject and sold in 2009, which is not a reliable indicator of market value as of the subject's January 1, 2012 assessment date. Comparable #5 sold in January 2010, which is less indicative of the subject's market value as of its January 1, 2012 assessment date. Appraisal comparables #4 and #5 are somewhat older in age than the subject. The Board further finds the negative \$30,000 adjustment applied to comparables #1, #3, #4 and #5 for "traffic" to be suspect and not supported by any credible valuation evidence within the appraisal report. Finally, the Board finds the adjustment or lack thereof to the comparables for the subject's indoor swimming pool is not supported by any objective evidence.

¹ The Board finds the appellants' appraiser also used board of review comparable #1 and board of review comparable #3 is not significantly smaller than the subject dwelling.

The Board finds the most similar comparable sales contained in this record are comparables #1 and #4 contained within the appellant's appraisal and the three comparables submitted by the board of review. Appraisal comparable #1 and board of review comparable #1 are the same property. These comparables sold from June 2011 to September 2012 for prices ranging from \$675,000 to \$860,000 or from \$132.15 to \$192.14 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$853,493 or \$180.75, which is supported by the most similar comparable sales contained in this record. Therefore, no reduction in the subject's assessment 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.



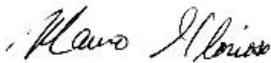
Chairman



Member



Member



Member



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: January 23, 2015



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.