



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

APPELLANT: Rod Vetter
DOCKET NO.: 10-01764.001-R-1
PARCEL NO.: 11-23-102-011

The parties of record before the Property Tax Appeal Board are Rod Vetter, the appellant, by attorney Caitlin R. Fitzpatrick, of Rubin & Norris 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: \$73,468
IMPR.: \$166,819
TOTAL: \$240,287

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is an owner occupied residence located in Green Oaks, Libertyville Township, Lake County.

The appellant appeared before the Property Tax Appeal Board through counsel contending assessment inequity as the basis of the appeal. In support of this argument the appellant submitted information on four equity comparables located in the same neighborhood code assigned by the township assessor as the subject property. Three of the comparables are located on the same street as the subject. The comparables are improved with two-story single family dwellings that ranged in size from 3,404 to 3,775 square feet of living area. The dwellings were of frame or brick exterior construction and were built from 1993 to 1996. Each comparables has an unfinished basement. Each comparable has central air conditioning, one fireplace and a

garages that range in size from 525 to 864 square feet of building area. The comparables have improvement assessments ranging from \$156,353 to \$170,861 or from \$43.80 to \$45.93 per square foot of living area.

The appellant's attorney also disclosed that the subject property is an owner occupied residence that was the subject matter of an appeal before the Property Tax Appeal Board for the 2007 tax year under docket number #07-00650.001-R-1. In that appeal the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property based on the evidence submitted by the parties.

The appellant requested that the improvement assessment be reduced to \$158,209 or \$45.16 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$240,287. The subject property has an improvement assessment of \$166,819 or \$47.62 per square foot of living area.

The board of review submitted a memorandum from Martin P. Paulson, Clerk of the Lake County Board of Review, along with additional data. Paulson asserted the assessment of the subject property was reduced by the Property Tax Appeal Board for the tax year 2007 (Docket #07-00650.001-R-1) to an assessment of \$235,117. A copy of the decision was submitted for the Property Tax Appeal Board's consideration.

Paulson stated that 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)

Paulson stated that for Libertyville Township tax year 2007 was the beginning of the most recent general assessment cycle that runs through tax year 2010. For the tax year 2008, an equalization factor of 1.0354 was added. For the tax year 2009, the factor was 1.0304 and for the 2010 tax year, the factor was 0.9934. It was further explained that if the assessment for 2010 tax year was calculated by applying the prior year's equalization factors to the Property Tax Appeal Board's prior 2007 decision, in accordance with section 16-185 of the Property Tax Code (35 ILCS 200/16-185), the subject's assessment would be increased to \$249,185. However, the board of review requested confirmation of the subject's assessment.

In response to the board of review's evidence, the appellant's attorney argued that since real estate market values have declined and based on the appellant's evidence, the appellant is entitled to a reduced assessment. The appellant's attorney also argued that the appellant acknowledges the Property Tax Appeal Board decision and the statute cited by the board of review, however, it does not preclude a property owner from contesting their property assessment for the remainder of the quadrennial if they believe that the assessed valuation no longer accurately reflects 33.33% of the fair market value of the property. The appellant's attorney offered no statutory authority or case law that refutes the legal contention brought by the board of review.

After hearing the 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 Board further finds that no reduction is warranted. This finding is pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185).

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 record contains no evidence indicating the subject property sold in an arm's length transaction subsequent to the Property Tax Appeal Board's decision in 2007, that the assessment year in question is in a different general assessment period or that the decision of the Property Tax Appeal Board was reversed or modified upon review. The record disclosed that following the dictates of section 16-185, the assessment of the subject property would be \$249,185, which is greater than the subject's current assessment. The Board finds the equity evidence submitted by the appellant does not overcome the statutory provisions of the Property Tax Code (35 ILCS/200-16-185). However, since the board of review did not request an increase in the assessment, the Property Tax Appeal Board finds that no change 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.

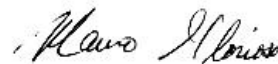
Chairman



Member



Member



Member



Acting 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 21, 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.