



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

APPELLANT: Terry O'Connor
DOCKET NO.: 11-04267.001-R-1
PARCEL NO.: 15-04-306-005

The parties of record before the Property Tax Appeal Board are Terry O'Connor, the appellant; 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: \$22,986
IMPR.: \$53,849
TOTAL: \$76,835

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 2011 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 wood siding exterior construction with 1,868 square feet of living area. The dwelling is described as being an "Arlington 1 Model" and was constructed in 1976. Features of the home include a partial unfinished basement with 754 square feet, one and one-half bathroom, central air conditioning, one fireplace and a 441 square foot attached garage. The property has a 7,335 square

foot site and is located in Vernon Hills, Vernon Township, Lake County.

Terry O'Connor appeared before the Property Tax Appeal Board contending overvaluation and assessment inequity as the bases of the appeal. The appellant did not challenge the subject's land assessment.

In support of the overvaluation argument information was submitted on six comparable sales.¹ Four of the comparables were located from .23 to .57 of a mile from the subject property with three of these comparables located in the same neighborhood code as the subject. Two of the comparables are the same model type as the subject property. The comparables are improved with two-story or tri-level dwellings that ranged in size from 1,612 to 1,898 square feet of living area. The dwellings were of frame exterior construction and were built from 1976 to 1982. Features include central air conditioning and a garage that range in size from 420 to 462 square feet of building area. The comparables have from one and one-half to three bathrooms. Two comparables have a basement, with one having finished area. Three comparables have a lower level and four comparables each have one fireplace. These properties had sites ranging in size from 6,500 to 9,332 square feet of land area. The comparables sold from November 2010 to November 2011 for prices ranging from \$192,000 to \$240,000 or from \$112.49 to \$128.48 per square foot of living area, including land.

In support of the inequity argument the appellant submitted two equity comparables located .14-of a mile and .29-of a mile from the subject and in the same neighborhood code as the subject property. The comparables have varying degrees of similarity when compared to the subject. The comparables contain 1,686 square feet of living area and have improvement assessments of \$54,886 and \$55,843 or \$29.38 and \$29.89 per square foot of living area, respectively.

O'Conner testified that the subject property has not been updated and still has the original carpet, windows, kitchen and bathrooms. O'Conner testified that the subject property only has one and one-half baths, whereas most of the comparables have at least two and one-half baths.

¹ The appellant submitted descriptive and sale information on comparables #1 through #4. The board of review supplied the information for the appellant's comparables #5 and #6.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$83,740. The subject's assessment reflects a market value of \$258,297 or \$138.27 per square foot of living area, land included, when using the 2011 three year average median level of assessment for Lake County of 32.42% as determined by the Illinois Department of Revenue. The subject has an improvement assessment of \$60,754 or \$32.52 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 that three of the appellant's sales represent foreclosures and the remaining three sales are tri-levels while the subject is a two-story home. Therefore, Paulson, on behalf of the board of review, believes that the appellant's gridded comparable sales do not represent a reasonable estimate of the subject's market value as of January 1, 2011.

In support of the contention that the subject's assessment is reflective of fair cash value the board of review submitted information, which consisted of property record cards and Multiple Listing Service Sheets, on six comparable sales located from .14 to .72 of a mile from the subject and in the same neighborhood code assigned by the assessor. Four of the comparables are the same model type as the subject property. One comparable used by the board of review was also utilized by the appellant. The comparables are improved with two-story single family dwellings that ranged in size from 1,612 to 1,868 square feet of living area. The dwellings were of frame exterior construction and were built from 1975 to 1978. Features include two and one-half baths, central air conditioning and a garage that range in size from 420 to 471 square foot of building area. Three comparables have a basement, with one having finished area. Four comparables have a fireplace. These properties have sites ranging in size from 6,221 to 9,191 square feet of land area. The comparables sold from March 2010 to November 2011 for prices ranging from \$234,000 to \$283,500 or from \$125.27 to \$158.19 per square foot of living area, including land.

In support of the contention that the subject property is equitably assessed the board of review submitted information on six equity comparables located in the same neighborhood code assigned by the assessor as the subject property. The comparables are identical to the subject in location, living area, age, basement area and garage size. The comparables

contain 1,868 square feet of living area and have improvement assessments that range from \$80,503 to \$88,261 or from \$43.10 to \$47.25 per square foot of living area.

O'Conner submitted written rebuttal reiterating that he had submitted two equity comparables and not six. O'Conner also stated that eight of the comparable sales were assessed greater than their selling price.

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 parties submitted 11 comparable sales for the Board's consideration. The Board gave less weight to the appellant's comparable sales #4 through #6 based on their tri-level design as compared to the subject's two-story design. The Board gave less weight to the appellant's comparable #3 along with the board of review comparables #1, #4 and #6 as these comparables do not have basements while the subject has a partial basement. The Board gave less weight to board of review comparables #3 and #5 as these comparables have updated bathrooms, granite counter tops, flooring and/or updated heating and cooling units when compared to the subject property's lack of updating.

As to the board of review's contention that the appellant's comparables #1 through #3 are foreclosures or short sales, the Property Tax Appeal Board takes judicial notice of Public Act 96-1083 which amended the Property Tax Code adding sections 1-23 and 16-183 (35 ILCS 200/1-23 & 16-183), effective July 16, 2010.

Section 1-23 of the Property Tax Code provides:

Compulsory sale. "Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result

of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete.

Section 16-183 provides:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.

The Board finds the effective date of these statutes is applicable to the assessment date at issue, January 1, 2011 and thus it is appropriate to consider both foreclosure and short sales in analyzing the assessment of the subject property.

The Board finds the best evidence of market value to be appellant's comparable sale #1 and sale #2 as well as board of review sale #2 which is the same as appellant's sale #1. These comparables were identical in location, "model type", living area, garage size and features when compared to the subject. These comparables sold for prices of \$234,000 and \$240,000 or \$125.27 and \$128.48 per square foot of living area, including land. The subject's assessment reflects a market value of \$258,297 or \$138.27 per square foot of living area, including land, which is above the most similar comparable sales in this record. Based on this evidence the Board finds a reduction in the subject's assessment is justified.

The appellant also contended unequal treatment in the subject's assessment as a basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data and considering the reduction in assessment for overvaluation, the Board finds no further 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



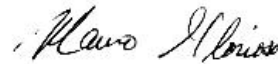
Member



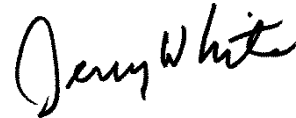
Member



Acting 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: November 20, 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.