



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

APPELLANT: Leroy Dieter
DOCKET NO.: 11-06014.001-R-1
PARCEL NO.: 07-30-102-038

The parties of record before the Property Tax Appeal Board are Leroy Dieter, the appellant, by attorney Patty Fortsas, of Elliott & Associates, P.C. in Des Plaines; and the Lake County Board of Review.

Based on the facts and exhibits presented in this matter, 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: \$18,991
IMPR.: \$59,415
TOTAL: \$78,406

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 townhouse of brick and frame exterior construction with 2,456 square feet of living area. The dwelling is described as being an "Oregon Model," has a standard view and was constructed in 2005. Features of the home include central air conditioning and a two-car garage with 420 square feet of building area. The property has a 2,833 square foot site and is located at 689 Shoreline Drive, Grayslake, Warren Township, Lake County.

The appellant appeared before the Property Tax Appeal Board through counsel contending overvaluation as the basis of the appeal.¹ In support of this argument the appellant submitted an

¹ A consolidated hearing was held under Docket Nos. 11-06001.001-R-1, 12-04503.001-R-1, 11-06002.001-R-1, 11-05998.001-R-1, 12-04520.001-R-1, 11-06016.001-R-1, 12-04498.001-R-1, 11-05999.001-R-1, 12-04519.001-R-1, 11-06000.001-R-1, 12-4519.001-R-1, 11-06014.001-R-1, 11-06009.001-R-1, 12-04525.001-R-1, 11-06008.001-

appraisal for a property located at 637 Shoreline Drive, Grayslake prepared by Michael J. Sullivan of Realty Valuation Services. Sullivan estimated the property, located at 637 Shoreline Drive, Grayslake, Illinois, had a fee simple market value of \$200,000 as of January 1, 2011.

The appellant called Michael J. Sullivan as a witness. Sullivan is a Certified General Real Estate Appraiser licensed in Illinois and Member of the Appraisal Institute (SRA designation). Sullivan testified that he has been an appraiser for over 34 years. Sullivan testified that he has been appraising residential property in Lake County since 1978 and appraises approximately 200 residential properties a year. Sullivan was tendered as an expert in the appraisal of residential properties for ad valorem tax purposes without objection.

Sullivan testified that he prepared five different appraisals based on "model type" to value 20 individual properties, which included the subject property. Sullivan testified that he used the same four comparables under the sales comparison approach in each appraisal. Sullivan testified that he made an interior and exterior inspection of 637 Shoreline Drive, but did not make an interior inspection of the other properties.² Sullivan testified that he walked the development to determine that the properties used in the appraisal for 637 Shoreline Drive had a standard view. The purpose of the appraisal was to develop an opinion of market value as of January 1, 2011. Sullivan provided direct testimony regarding the appraisal methodology and final value conclusion. The appraiser developed two of the three traditional approaches to value. The appraisal report conveys an estimated market value of \$200,000 as of January 1, 2011.

Under the cost approach Sullivan estimated the subject had a site value of \$30,000. The appraiser estimated the replacement cost new of the improvements to be \$221,360 using Marshall & Swift Cost Books. The appraiser estimated the subject had an effective age of 5 years and a total economic life of 60 years. Using the age-life method, physical depreciation was \$17,709. The appraiser calculated the depreciated cost of the building improvements to be \$203,651. The appraiser then added \$5,000 for site improvements and the land value of \$30,000 to arrive at an estimated value under the cost approach of \$238,700.

Under the sales comparison approach to value, the appraiser utilized four suggested sales located in Grayslake within .10-of a mile from the subject. The dwellings were described as two-story single family townhouses of brick and vinyl exterior construction. The comparables have varying degrees of similarity when compared to 637 Shoreline Drive. The comparables contain either 2,372 or 2,394 square feet of living area and are situated on lots that range in size from .04 to .06 acres of land area. The comparables sold from May 2010 to February 2012 for prices ranging from \$170,000 to \$265,000 or from \$71.01 to \$110.69 per square foot of living area, land included.

The appraiser made adjustments to the comparables for differences when compared to 637 Shoreline Drive for date of sale, view, condition, gross living area and other (short sale and superior kitchen). The adjustments resulted in adjusted sale prices ranging from \$187,000 to

R-1, 11-06013.001-R-1 and 12-04501.001-R-1. Individual decisions will be rendered for each parcel with the applicable evidence presented.

² Addendum Page 2, second paragraph of the appraisal addendum states "I have not made a personal inspection of the property that is the subject of this report." There were no interior pictures submitted in the appraisal.

\$222,000 or from \$78.11 to \$92.73 per square foot of living area, land included. Based on the adjusted sale prices, the appraiser estimated the property at 637 Shoreline Drive had a fair market value of \$200,000 or \$81.43 per square foot of living area, land included, under the sales comparison approach.

Under reconciliation, the appraiser placed the greatest weight on the sales comparison approach and concluded the final estimate of market value for 637 Shoreline Drive to be \$200,000 as of January 1, 2011.

Under cross-examination, Sullivan testified that he reviewed the property record card with each property under appeal.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$78,406. The subject's assessment reflects a market value of \$241,845 or \$98.47 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. Representing the board of review was John Paslawsky.

The board of review submitted a memorandum from Martin P. Paulson, Clerk of the Lake County Board of Review, along with additional sales data. Paulson asserted that the appraisal submitted by the appellant is for the property located at 637 Shoreline Drive, which is not the subject. Paulson asserted that two of the sales in the appraisal were adjusted because they were "short sales," three were adjusted for "lake/park views" and one was adjusted for date of sale (it was listed and sold subsequent to the 2011 assessment date) - this was a relocation company sale (these homes are usually priced to sell within 30 to 120 days, thus reflect a discounted price). The adjustments do not appear to be supported with any market evidence. Therefore, the Lake County Board of Review believe that the evidence submitted supports a reduction of the subject's market value as of January 1, 2011.

In support of its contention of the correct assessment the board of review submitted information on six comparable sales located from .02 to .11 of a mile from the subject property. The comparables were described as two or three-story single family dwellings of frame exterior construction and were built in 2005 or 2006. The comparables range in size from 2,372 to 2,661 square feet of living area and each comparable has central air conditioning and a 420 or 441 square foot attached two-car garage. One comparable had a fireplace. The comparables are situated on lots that range in size from 1,568 to 4,113 square feet of land area. The comparables sold from June 2005 to December 2013 for prices ranging from \$217,000 to \$463,350 or from \$91.48 to \$188.66 per square foot of living area, land included.

Paslawsky acknowledged that the board of review comparable sales were not adjusted when compared to the subject for differences in amenities, including date of sale.

Conclusion of Law

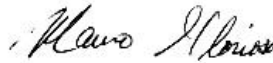
The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the appellant submitted an appraisal of a property other than the property that is the subject matter of this appeal. The Board finds that the appraiser did not make an interior inspection of the property to determine the condition and establish that the amenities were the same or different as the subject of the appraisal. Due to these facts little weight was given the appraised value. However, the Board will examine the raw sales data contained in the appellant's appraisal.

The record contains ten comparable sales for the Board's consideration. The Board gave little weight to appraiser's comparable #3 along with board of review comparables #1, #2, #3 and #6. These comparables sold from February 2012 to December 2013, well past the subject's January 1, 2011 assessment date to be considered reliable indicators of market value. The Board gave little weight to board of review comparable #4. This sale occurred in June 2005, which is less indicative of fair market value as of the subject's January 1, 2011 assessment date. The Board finds the best evidence of market value to be the appraiser's comparables #1, #2 and #4 along with board of review comparable #5. These comparable sales sold from May 2010 to May 2011 for prices ranging from \$170,000 to \$290,000 or from \$71.01 to \$122.26 per square foot of living area, including land. The subject's assessment reflects a market value of \$241,845 or \$98.47 per square foot of living area, including land, which is within the range established by the best comparable sales in the record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is supported. Based on this record, the Board finds 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: _____

CERTIFICATION

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: May 20, 2016



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.