



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

APPELLANT: Howard Elies
DOCKET NO.: 12-01794.001-R-1
PARCEL NO.: 16-04-103-010

The parties of record before the Property Tax Appeal Board are Howard Elies, the appellant; and the Lake County Board of Review.

Based on the facts and exhibits presented in this matter, 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: \$152,951
IMPR.: \$27,009
TOTAL: \$179,960

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 tri-level design dwelling of frame and brick exterior construction with 2,379 square feet of living area.¹ The dwelling was constructed in 1955. Features of the home include a crawl-space foundation, central air conditioning, two fireplaces and a built-in two-car garage containing 484 square feet of building area. The property has an 1.81 acre or 78,844 square foot site and is located in Lake Forest, West Deerfield Township, Lake County.

¹ The appellant's appraiser reported a dwelling size of 2,379 square feet of living area with a schematic drawing and the calculations of the subject's size. The assessing officials reported a dwelling size of 2,411 square feet of living area with a schematic drawing, but no calculations of the subject's size to support the contention. The Board finds the slight size dispute is not relevant to determining the correct assessment of the subject property based on the evidence in the record.

The appellant appeared before the Property Tax Appeal Board claiming land and building overvaluation as the basis of the appeal. In support of this argument, the appellant called as his witness Allen J. Minick. Minick is a Certified Residential Real Estate Appraiser licensed in Illinois. Minick testified that he has been an appraiser over 20 years.

Minick testified that he prepared an appraisal of the subject property. The purpose of the appraisal was to develop an opinion of market value of the subject property as of January 1, 2012. Minick provided direct testimony regarding the appraisal methodology and final value conclusion. The appraiser relied on the sales comparison approach to value. The appraisal report conveys an estimated market value of \$550,000 as of January 1, 2012.

Under the sales comparison approach to value, the appraiser utilized four suggested sales located in Lake Forest from .92 to 1.80 miles from the subject. The dwellings were described as split-level design or two-story style dwellings and are 33 to 51 years old.² The subject was described as being in average/fair condition like comparable #1. Comparables #2 through #4 were described in good condition. The comparables have a full or partial basement with three comparables having 50% finished area. Each comparable has central air conditioning, a fireplace and a two-car or four-car garage. The dwellings range in size from 2,814 to 4,536 square feet of living area and are situated on lots that range in size from 21,795 to 87,120 square feet of land area. The comparables sold from January 2011 to August 2011 for prices ranging from \$410,000 to \$950,000 or from \$125.34 to \$276.65 per square foot of living area including land.

Minick made adjustments to the comparables for differences when compared to the subject for land area, quality of construction, living area, condition, above grade baths, foundation, fireplace, finished basement, garage, porch/deck/patio and fence. The adjustments resulted in adjusted sale prices ranging from \$355,400 to \$606,400 or from \$87.79 to \$116.05 per square foot of living area including land.

Under cross-examination Minick testified that he did not include any interior photographs of the subject property.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$216,645. The subject's assessment reflects a market value of \$662,118 or \$278.32 per square foot of living area, land included, when using the 2012 three year average median level of assessment for Lake County of 32.72% as determined by the Illinois Department of Revenue. Representing the board of review was John Paslawsky.

In support of the overvaluation argument, the board of review submitted a grid analysis detailing four comparable sales. Comparable #4 is a vacant land sale. Comparables #1 through #3 are described as being improved with one-story dwellings that ranged in size from 2,124 to 2,662 square feet of living area. The dwellings were of frame or brick exterior construction and were built from 1920 to 1958. Two comparables have a partial basement with finished area. Each comparable has central air conditioning, one to three fireplaces and garages ranging in size from 588 to 800 square feet of building area. Comparables #1 through #3 sold from November 2011

² The appraiser did not disclose the type of exterior construction for the comparables.

to November 2012 for prices ranging from \$525,000 to \$955,000 or from \$216.00 to \$413.60 per square foot of living area, land included. The board of review requested confirmation of the assessment.

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 Board finds the best evidence of the subject's market value to be the appraisal submitted by the appellant for \$550,000. The Board finds the appellant's appraiser provided testimony regarding the selection of the comparables, the adjustment process and final value conclusion. The Board further finds the board of review failed to adequately refute the appraiser's final value conclusion. The subject's assessment reflects a market value of \$662,118, which is greater than the appraised value. The Board gives little weight to the board of review's comparables due to their dissimilar design and/or considerably older age than the subject. Notwithstanding their dissimilar design, the Board finds that the board of review's comparable sales #2 and #3 support the appraiser's final value conclusion. These comparables have varying degrees of similarity in location, age and living area when compared to the subject. These comparables sold for \$525,000 and \$575,000. Based on this record, the Board finds the subject property had a market value of \$550,000 as of the assessment date at issue. Since market value has been established the 2012 three year average median level of assessments for Lake County of 32.72% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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: _____

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: December 23, 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.