



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

APPELLANT: Seymour Goldstein
DOCKET NO.: 12-01913.001-R-1
PARCEL NO.: 16-23-304-024

The parties of record before the Property Tax Appeal Board are Seymour Goldstein, the appellant, by attorney Leonard Cahnmann, of Property Tax Advisers, Inc. in Highwood; 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: \$ 13,688
IMPR.: \$ 156,820
TOTAL: \$ 170,508

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-story condominium containing a total of 4,000 square feet of living area. The subject has two parcel numbers (16-23-304-024 and 16-23-304-025) and is the subject of two separate appeals. For purposes of oral hearing, this appeal was consolidated with Docket number 2012-01912.001-R-1. A separate decision will be written for each parcel under appeal.

The subject was built in approximately 2000 as one single penthouse style unit utilizing the footprint of two, 2,000 square foot units. The two units were combined into one to create the subject, which was also described as a custom build-

out. The subject is located on the third floor and contains two underground parking spaces.

Counsel for the appellant appeared before the Property Tax Appeal Board contending assessment inequity for the subject's improvement assessment and overvaluation for each individual parcel number, separately, as the bases of the appeal.

In support of the appellant's arguments, the appellant presented a grid analysis with descriptions, assessment and sale data on seven suggested comparables. The properties were located within the same condominium complex as the subject property. The comparables were described as ranging in size from 1,954 to 2,587 square feet of living area with each having the same exterior construction and age as the subject. The comparables had improvement assessments ranging from \$122,877 to \$204,700 or from \$51.24 to \$79.13 per square foot of living area. The subject was described as having 2,000 square feet of living area with an improvement assessment of \$156,820 or \$78.41 per square foot of living area.

The same comparables sold from May 2010 to July 2012 for prices ranging from \$271,000 to \$787,500 or from \$139.69 to \$312.28 per square foot of living area, including land. The subject's assessment for parcel number 16-23-304-025 is \$170,508 or \$78.41 per square foot of living area, including land. The subject's assessment reflects a market value of approximately \$521,112 or \$260.56 per square foot of living area,¹ including land, when applying the 2012 three-year average median level of assessments as determined by the Illinois Department of Revenue for Lake County of 32.72%. The appellant contends the subject should be assessed as two separate 2,000 square foot units, even though they are combined to create one unit. Based on this evidence, the appellant requested a reduction in the subject's assessment.

During cross-examination, appellant's counsel acknowledged the sales data was not verified, the parcel numbers for comparable #3, #4 and #7 were incorrect, comparable #1 was a deed in lieu of foreclosure, and comparables #4 and #5 were the same property.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment for this parcel of \$170,508 was disclosed. The board of review considered the subject to be one-half of one total unit. In support of the subject's

¹ Based on a 2,000 square foot unit.

assessment, the board of review submitted four comparables, with each containing assessment data as well as sale data.

In support of the improvement assessment, the grid depicts four comparable dwellings located within .318 miles of the subject. Three of the comparables are located in the subject's subdivision, as defined by the local assessor. The subject is described as having 4,000 square feet of living area. The comparables ranged in size from 2,573 to 4,610 square feet of living area. Each comparable was a one-story brick dwelling built in either 2001 or 2007 and had either a 1-car or 2-car underground garage. The comparables had improvement assessments ranging from \$204,700 to \$404,220 or from \$79.13 to \$108.94 per square foot of living area. Three of these same comparables sold from May 2012 to January 2014 for prices ranging from \$675,000 to \$1,150,000 or from \$260.92 to \$377.79 per square foot of living area, including land. One comparable had a list date of January 2014 for a price of \$1,999,000 or \$433.62 per square foot of living area. Based on this record, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds a reduction in the subject's assessment is not warranted.

Appellant argued in part that the subject's assessment was not reflective of market value. When market value is the basis of the appeal, the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill. App. 3d 1038 (3rd Dist. 2002). The Board finds this burden of proof has not been met and a reduction in the subject's assessment is not warranted on this basis.

The appellant submitted seven sales comparables, with two being the same property. Upon questioning, it was discovered that the appellant's data was replete with errors wherein the actual parcel numbers listed may not have actually sold. In addition, none of the sales were verified as being true and correct. For these reasons, the appellant's evidence submission was given little weight in the Board's analysis. The Board finds the best evidence of the subject's market value is found utilizing the board of review's comparables. Three of the comparables sold from May 2012 to January 2014 for prices ranging from \$675,000 to \$1,150,000 or from \$260.92 to \$377.79 per square foot of

living area, including land. One comparable had a list date of January 2014 for a price of \$1,999,000 or \$433.62 per square foot of living area. The subject's assessment for this parcel under appeal reflects a market value of approximately \$521,112 or \$260.56 per square foot of living area,² including land, for a total estimated market value of \$1,042,225 or \$260.56 per square foot of living area, including land when including the entire 4,000 square feet of living area. The Board finds the subject's assessment reflects a market value which is less than the established range as presented by the board of review. After considering adjustments to the comparables for any differences when compared to the subject, the Property Tax Appeal Board finds the subject's estimated market value is not excessive and a reduction in the subject's assessment is not warranted on this basis.

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 that the subject property is equitably assessed and no reduction is warranted on this basis.

Utilizing the same comparables, the Board finds the board of review's comparables had improvement assessments ranging from \$79.13 to \$108.94 per square foot of living area. The subject had an improvement assessment of \$78.41 per square foot of living area, which is less than the best comparables contained in this record when considering the subject as one unit containing 4,000 square feet of living area. Therefore, the Property Tax Appeal Board finds the subject is best described as one unit containing 4,000 square feet of living area with an assessment that is reasonable and just and no reduction is warranted on this basis.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an

² Based on a 2,000 square foot unit.

absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity, which appears to exist on the basis of the evidence presented.

Based on the above analysis, the Board finds the appellant has not shown by clear and convincing evidence that the subject's assessment is inequitable and has not shown by a preponderance of the evidence that the subject is overvalued. Therefore, no reduction 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.

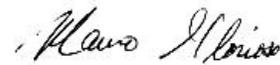
Chairman



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: September 18, 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.