



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

APPELLANT: Cecil Levy
DOCKET NO.: 12-02731.001-R-1
PARCEL NO.: 15-26-304-011

The parties of record before the Property Tax Appeal Board are Cecil Levy, the appellant, by attorney Andrew J. Rukavina of The Tax Appeal Company, in Mundelein, 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: \$33,210
IMPR: \$215,275
TOTAL: \$248,485

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 part one-story and part two-story dwelling¹ of frame and stone exterior construction with

¹ The appellant's appraiser characterized the subject as a 1.5-story dwelling. The assessing officials characterized the home as a one-story dwelling, but provided a schematic drawing on the property record card depicting a part

4,769 square feet of living area. The dwelling was constructed in 1985. Features of the home include a concrete slab foundation, central air conditioning, four fireplaces, an attached three-car garage of 740 square feet along with a tennis court. The property has a 42,253 square foot site which backs to commercial property and is located in Riverwoods, Vernon Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal utilizing the sales comparison approach to value and estimating the subject property had a market value of \$670,000 or \$140.49 per square foot of living area, including land, as of January 1, 2012.

The appraiser analyzed three comparable sales. In the addendum, the appraiser reported that comparables #1 and #2 were most similar to the subject and thus were primarily relied upon in the final value conclusion. Comparable #1 was adjusted for backing to a lake as compared to the subject which backs to commercial property. Comparable #2 was adjusted for having a larger lot than the subject. The appraiser also noted that comparable #3 was a much smaller dwelling with residential "views in the subject's direct subdivision." Based on this evidence, the appellant requested an assessment reflective of the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$248,485. The subject's assessment reflects a market value of \$759,428 or \$159.24 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.

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 two of the appraisal sales have 33% and 46% gross adjustments and one sale is 57% smaller than the subject. In addition, he contended that the adjustment for appraisal sale #1 was excessive given its location in a FEMA identified floodway as compared to the

one-story and a smaller two-story section of the home. The Board finds the drawing submitted by the board of review presents the most accurate description of the subject's design.

subject which is not in the floodway.² Additionally, Paulson found that the final value conclusion for the subject was 22% and 28% lower on a per-square-foot basis than the appraisal sales. In summary, Paulson on behalf of the board of review opined that the appraisal was not a reasonable estimate of the subject's market value.

In support of its contention of the correct assessment the board of review submitted information on four unadjusted comparable sales, where comparable #1 was the same property as appraisal sale #1. Each of these comparables is located in the floodway whereas the subject is not located in the floodway. The board of review contends that these comparables are otherwise similar in lot size, age, and market appeal to the subject property. The comparables are improved with 1.5-story or 2-story dwellings that were built between 1980 and 1987. The homes range in size from 3,090 to 4,214 square feet of living area. None of the comparables has a basement and each has central air conditioning, one or two fireplaces and a garage ranging in size from 794 to 1,131 square feet of building area. These properties sold between May 2011 and August 2013 for prices ranging from \$630,000 to \$786,000 or from \$171.01 to \$203.88 per square foot of living area, including land.

Based on this evidence and argument, the board of review requested confirmation of the subject's 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

As to one of the board of review's criticisms, the appellant's appraiser articulated in the addendum the basis for the view adjustment of the appraiser's comparable #1. The Property Tax

² To support this assertion, the board of review submitted an illegible floodway map where the only distinguishing markings depicted the proximity in general visual terms between the subject and the comparables presented. All purported floodway markings were just black and undefined.

Appeal Board finds that the criticism by the board of review was not substantiated given that comparable #1 backs to a lake, which is a much different reason for making a land adjustment than the board of review's observation that this property was located in a floodway unlike the subject.

Despite the failure of this particular criticism, the Property Tax Appeal Board finds that the appraised value conclusion is not credible given that the appraiser indicated that he placed most reliance and weight upon his comparable sales #1 and #2. These sales were adjusted by the appraiser to prices of \$170.98 and \$165.21 per square foot of living area, including land. Despite relying upon these sales in particular, the appraiser then opined a value conclusion for the subject of \$140.49 per square foot of living area, including land, which is substantially below the purported best adjusted comparable sales in the appraisal report and is simply not supported by the sales evidence in the record. Thus, the Board has not considered the value conclusion of the appellant's appraisal report to be a valid indicator of the subject's estimated market value and will turn to the raw sales presented by both parties.

The record contains six comparable sales. The Board has given reduced weight to appraisal sale #3 as this dwelling is significantly smaller than the subject dwelling. Similarly, the Board has given reduced weight to board of review comparables #2 and #3 as each of these dwellings are substantially smaller than the subject home.

The Board finds the best comparable sales were appellant's appraisal sales #1 and #2 along with board of review comparable sales #1 and #4, where there is one common property between the parties. These three properties sold between May 2011 and August 2013 for prices ranging from \$725,000 to \$786,000 or from \$179.16 to \$195.81 per square foot of living area, including land.

The subject's assessment reflects a market value of \$759,428 or \$159.24 per square foot of living area, including land, which is within the range established by the best comparable sales in the record in terms of overall value and below the range on a square-foot-basis which is logical given that the subject is larger than each of these otherwise most similar comparables. Accepted real estate valuation theory provides that all factors being equal, as the size of the property increases, the per unit value decreases. In contrast, as the size of a property decreases, the per unit value increases.

After considering adjustments to the comparables for differences, based on this evidence the Board finds a reduction in the subject's assessment is not justified.

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

Klaus Albino

Member

[Signature]

Member

Member

Jerry White

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: July 24, 2015

[Signature]

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.