



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

APPELLANT: Lucinda Arnberger
DOCKET NO.: 13-00558.001-R-1
PARCEL NO.: 14-33-302-042

The parties of record before the Property Tax Appeal Board are Lucinda Arnberger, the appellant, by attorney David Lavin of Robert H. Rosenfeld and Associates, LLC in Chicago, 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: \$50,222
IMPR: \$175,045
TOTAL: \$225,267

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 2013 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 frame construction with 3,466 square feet of living area. The dwelling was constructed in 1992. Features of the home include a basement, central air conditioning, a fireplace and a 763

square foot garage. The property has a 70,965 square foot site and is located in Deer Park, Ela Township, Lake County.

The appellant contends assessment inequity as the basis of the appeal. In support of this argument the appellant submitted information on three equity comparables located within .73 of a mile of the subject property. Based on this evidence, the appellant requested an improvement assessment of \$154,179 or \$44.48 per square foot of living area which is the average per-square-foot improvement assessment of the appellant's comparables.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$225,267. The subject property has an improvement assessment of \$175,045 or \$50.50 per square foot of living area.

In rebuttal, the board of review submitted a letter from Martin P. Paulson who asserted that appellant's comparables #1 and #2 had lower quality grades than the subject dwelling. In addition, appellant's comparable #3 is 8.4% smaller than the subject dwelling and each of the appellant's comparables have fewer bath fixtures than the subject property.

In support of its contention of the correct assessment the board of review through the Ela Township Assessor's Office submitted information on three equity comparables located within 1.05 miles of the subject property. The grid presented by the board of review does not reveal the quality grade of the subject or the comparables; in addition, the subject property has a greater number of full baths than each of the comparables and a greater number of half baths than two of the comparables which indicates that the subject has more bathroom fixtures than each of the comparables presented by the board of review. Two of the comparables also have two fireplaces as compared to the subject which has one fireplace.

Also as part of the response, the board of review noted that each of the appellant's comparables had recent sales data; therefore, the board of review also submitted data on three recent sales of comparable properties. In light of the appellant's lack of assessment uniformity argument, the Property Tax Appeal Board will not further address this market value evidence which is not responsive to the appellant's appeal.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The taxpayer contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted a total of six equity comparables to support their respective positions before the Property Tax Appeal Board. The comparables were built between 1990 and 1998 and range in size from 3,174 to 3,488 square feet of living area. Each comparable has an unfinished basement, central air conditioning, one or two fireplaces and a garage ranging in size from 704 to 896 square feet of building area. These comparables had improvement assessments that ranged from \$142,561 to \$192,350 or from \$43.79 to \$57.52 per square foot of living area. The subject's improvement assessment of \$175,045 or \$50.50 per square foot of living area falls within the range established by the best comparables in this record and appears well-justified in comparison particularly to appellant's comparable #1 given the subject's newer age, quality grade, number of bathrooms and larger garage.

Based on this record the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified.

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 taxation 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 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. For the foregoing reasons, the Board finds that the appellant has not proven by clear and convincing evidence that the subject property is inequitably assessed. Therefore, the Property Tax Appeal Board finds that the subject's assessment as established by the board of review is correct and 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

K. L. Ferr

Member

JR

Member

Mark Albino

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: September 18, 2015

A. Portol

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.