



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

APPELLANT: Marvin Friman
DOCKET NO.: 13-00898.001-R-1
PARCEL NO.: 16-28-410-006

The parties of record before the Property Tax Appeal Board are Marvin Friman, the appellant, by attorney Brian S. Maher of Weis, DuBrock, Doody & Maher in Chicago, and the Lake County Board of Review.

Based on the facts and exhibits presented, 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: \$36,759
IMPR: \$125,558
TOTAL: \$162,317

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 one-story dwelling of brick and frame construction with 2,278 square feet of living area. The dwelling was constructed in 1988. Features of the home

include a partial basement with finished area,¹ central air conditioning, a fireplace and a 506 square foot garage. The property has an approximately 3,694 square foot site and is located in Highland Park, West Deerfield Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$487,000 as of December 11, 2012. The appraiser utilized both the sales and cost approaches to value.

Under the cost approach the appraiser estimated the subject had a site value of \$125,000. The appraiser estimated the replacement cost new of the improvements to be \$412,380. The appraiser estimated physical depreciation to be \$21,380 resulting in a depreciated improvement value of \$391,000. The appraiser also estimated the site improvements had a value of \$5,000. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$521,000 under the cost approach to value.

Under the sales comparison approach the value, the appraiser analyzed five comparables, three of which were sales and two of which were listings. The comparables were located within a mile of the subject property. The comparables were described as parcels ranging in size from 3,895 to 38,313 square feet of land area which were improved with a two-story and four, one-story dwellings which were 24 to 64 years old. The comparable dwellings range in size from 2,170 to 2,418 square feet of living area. Four of the comparables have basements, three of which include finished area. Each home has central air conditioning, a fireplace and a two-car garage. One of the comparables also has a pool. Three of the properties sold in December 2011 or September 2012 for prices ranging from \$465,000 to \$530,000 or from \$192.31 to \$231.34 per square foot of living area, including land. The listings had asking prices of \$519,000 and \$609,000 or \$220.76 and \$267.34 per square foot of living area, including land, respectively.

The appraiser made adjustments to the comparables for sales concessions to the listings and for differences in land area, view, room count, dwelling size, basement, basement finish and/or other amenities. In addition, the appraiser noted the subject had a "modern kitchen, baths" and made upward adjustments to sales #1 and #2 for "upgrades." The appraiser

¹ The appellant's appraiser reported the subject's basement is 75% finished whereas the assessing officials reported an unfinished basement.

then arrived at adjusted sales prices for the comparables ranging from \$482,000 to \$593,550. The appraiser opined an estimated value under the sales comparison approach of \$487,000.

In reconciling the two approaches to value, the appraiser placed most reliance upon the sales comparison approach as being more responsive to the changes in recent market conditions. Therefore, the appraiser estimated a market value of \$487,000 or \$213.78 per square foot of living area, including land, for the subject property.

Based on this evidence, the appellant requested an assessment reflective of the appraised value at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$173,854. The subject's assessment reflects a market value of \$523,026 or \$229.60 per square foot of living area, land included, when using the 2013 three year average median level of assessment for Lake County of 33.24% as determined by the Illinois Department of Revenue.

In rebuttal, the board of review submitted a letter from Martin P. Paulson, Clerk of the Lake County Board of Review. As to the appellant's appraisal, Paulson asserted that subsequently appraisal sale #2 was torn down and appraisal sale #4 is located adjacent to a traffic controlled intersection, but no adjustment was made nor was the location issue discussed in the report. He also asserted that appraisal sale #1 occurred 13 months prior to the assessment date at issue. Lastly as to the appraisal, Paulson contended that the subject dwelling was updated or modernized after its last purchase.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales, where board of review comparable #3 is the same property as the appraisal listing #4. For this property, the board of review reports the February 2013 sale price of \$496,000 or \$210.97 per square foot of living area, including land.

The sales comparables were located within .14 of a mile from the subject. The comparable parcels range in size from 2,856 to 5,906 square feet of land area. The comparables are improved with a one-story, a 1.75-story and a two-story dwelling of brick or brick and frame construction. The homes were built in 1988 or 1997. The homes range in size from 2,156 to 2,351 square

feet of living area. Features include full or partial basements, one of which has finished area. Each comparable has central air conditioning, a fireplace and a garage ranging in size from 483 to 544 square feet of building area. The comparables sold between February and September 2013 for prices ranging from \$496,000 to \$636,000 or from \$210.97 to \$272.61 per square foot of living area, including land.

Based on this evidence and argument, the board of review requested confirmation of the subject's estimated market value as reflected by its 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 market value to be the appraisal submitted by the appellant with an estimated market value of \$487,000 or \$213.78 per square foot of living area, including land, as of December 11, 2012. The appraiser in the Addendum to the appraisal report explained that sale #1 was the only recorded closed sale of a similar "Villa style" home within the prior 12 month period; similarly, the board of review provided no other comparable one-story dwellings to the subject that sold more proximate to the valuation date. In fact, the board of review only provided one sale of a one-story dwelling like the subject which was presented as listing #4 in the appellant's appraisal report which was criticized by Paulson for the lack of an adjustment for location by a traffic controlled intersection. In addition, as part of the adjustment process, the appraiser accounted for the subject's modernization/upgrades in comparison to the comparables and in fact made an upward adjustment of \$15,000 for the upgrades to the most similar "Villa style" dwelling.

The Board has given reduced weight to the board of review comparables which differ from the subject in various respects and lack any adjustments for those differences. The subject's assessment reflects a market value of \$523,026 or \$229.60 per

square foot of living area, including land, which is above the appraised value and not supported by the most similar comparable sale presented by the board of review (comparable #3).

In conclusion, the Property Tax Appeal Board finds the subject property is overvalued and a reduction in the subject's assessment commensurate with the appellant's request 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.