



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

APPELLANT: Thomas Herchenbach
DOCKET NO.: 13-01115.001-R-1
PARCEL NO.: 10-18-301-008

The parties of record before the Property Tax Appeal Board are Thomas Herchenbach, 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: \$ 30,218
IMPR.: \$ 91,886
TOTAL: \$ 122,104

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 frame dwelling with 3,461 square feet of living area that was built in 1978. Features include an unfinished basement, central air conditioning, a fireplace, a swimming pool, and an 850 square

foot attached garage. The subject property has an 80,234 square foot site. The subject property is located in Freemont Township, Lake County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis to the appeal. In support of this argument, the appellant submitted an appraisal of the subject property estimating a market value of \$295,000 as of January 1, 2013. The appraiser developed the sales comparison approach to value in arriving at the final opinion of value. The appraiser identified three suggested comparable sales that had varying degrees of similarity when compared to the subject. The comparables were located from .10 of a mile to 1.25 miles from the subject. The comparables sold from December 2011 to June 2012 for prices ranging from \$268,000 to \$325,000 or from \$86.67 to \$113.27 per square foot of living area including land. After adjusting the comparables for differences to the subject, the appraiser concluded the subject property had a market value of \$295,000 or \$85.24 per square foot of living area including land. Based on this evidence, the appellant requested the subject's assessment be reduced to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject property's final assessment of \$122,104 was disclosed. The subject's assessment reflects an estimated market value of \$367,341 or \$106.14 per square foot of living area including land when applying Lake County's 2013 three-year average median level of assessment of 33.24%. 86 Ill.Admin.Code §1910.50(c)(1).

In response to the appeal, the board of review argued appraisal comparable #3 was a FNMA (Fannie Mae) auction sale and bank foreclosure. The board of review argued the \$2,500 swimming pool adjustment amount applied to comparable #1 was conservative

In support of the subject's assessment, the board of review submitted four suggested comparable sales. One comparable was also used by the appellant's appraiser. The comparables are located from .102 of a mile to 1.462 miles from the subject. The comparables had varying degrees of similarity to the subject in design, age, size and features. They sold from June 2012 to June 2013 for prices ranging from \$268,000 to \$380,000 or from \$112.38 to \$134.45 per square foot of living area including land. Based on this evidence, 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.

The Board finds the best evidence of market value contained in this record is comparable #2 contained in the appellant's appraisal and comparables #1 and #2 submitted by the board of review. Appraisal comparable #2 and board of review comparable #1 are the same property. These comparables are located in very close proximity to the subject and were similar to the subject in design and most features, but both properties were smaller in dwelling size when compared to the subject. They sold in June 2012 and June 2013 for prices of \$268,000 and \$370,000 or \$113.27 and \$134.45 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$367,341 or \$106.14 per square foot of living area including land, which is supported by the most similar comparable sales contained in the record.

The Board gave less weight to the appraisal submitted by the appellant. Comparable #1 sold in 2011, which is dated and a less reliable indicator of market value as of the subject's January 1, 2013 assessment date. Comparables #1 and #3 are located over one mile from the subject. In addition, the board finds the adjustment amounts applied by the appellant's appraiser for age, condition, dwelling size, and lack of a swimming pool are suspect and not supported by any evidence in the record. These factors undermine the value conclusion as determined by the appellant's appraiser. The Board also gave less weight to board of review comparables #3 and #4 due their distant location and communities when compared to the subject.

In conclusion, the Board finds the appellant failed to demonstrate the subject property was overvalued by a preponderance of the evidence. Therefore, no reduction in the subject's assessment 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



Acting 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: November 20, 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.