



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

APPELLANT: Bernard & Joanne Harris  
DOCKET NO.: 13-01873.001-R-1  
PARCEL NO.: 16-23-319-043

The parties of record before the Property Tax Appeal Board are Bernard & Joanne Harris, the appellants, by Jerri K. Bush, Attorney at Law, 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:** \$ 12,698  
**IMPR.:** \$116,822  
**TOTAL:** \$129,520

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellants 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, third floor condominium unit that has 1,943 square feet of living area. The dwelling was constructed in 1997. Amenities include central air conditioning and two underground parking spaces. The subject property is located in Moraine Township, Lake County, Illinois.

The appellants submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellants submitted a "Property Tax Analysis" of five comparable sales. The analysis was dated March 9, 2014. Neither the name nor the professional credentials

of the person(s) who prepared the report was disclosed. The comparables are located from .07 to .49 of a mile from the subject property. The comparables had varying degrees of similarity when compared to the subject in dwelling size, age and features. The comparables sold from September 2012 to May 2013 for prices ranging from \$156,000 to \$277,500 or from \$93.69 to \$149.27 per square foot of living area including land. The analysis included "Property Equalization Values" (adjustments) to the comparables for sale date, land<sup>1</sup>, age, square footage and bath & fixtures. No explanation pertaining to the calculation of the adjustment amounts was provided. Based on the Property Equalization Values, the analysis conveys a value estimate for the subject property of \$236,535. Based on this evidence, the appellants requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$139,679. The subject's assessment reflects an estimated market value of \$420,214 or \$216.27 per square foot of living area including land when applying the 2013 three-year average median level of assessment for Lake County of 33.24%. In support of the subject's assessment, the board of review submitted an analysis of four comparable sales and a letter addressing the appeal.

The comparable sales are located from .01 to .27 of a mile from the subject property. The comparables had varying degrees of similarity when compared to the subject in dwelling size, age and features. The comparables sold from May 2011 to May 2014 for prices ranging from \$390,000 to \$490,000 or from \$173.86 to \$232.01 per square foot of living area including land.

With respect to the evidence submitted by the appellants, the board of review argued that the adjustments in the appellants' grid should be given no weight because they lacked support and there was no evidence they were applied by a qualified individual such as a licensed appraiser. Additionally, the board of review argued three of the appellants' comparables were estate sales, one comparable was a bank foreclosure and comparable #5 was a sheriff's auction sale

Based on the evidence in the record the board of review offered to reduce the subject's assessment to \$132,758, which reflects an estimated market value of \$398,315 or \$205.00 per square foot of living area including land.

The appellants were notified of this suggested agreement and given thirty (30) days to respond if the offer was not acceptable. The appellants responded to the Property Tax Appeal Board by the established deadline rejecting the proposed assessment.

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<sup>1</sup> The appellants failed to disclose the land sizes for the subject and comparables.

Under rebuttal, the appellants submitted Multiple Listing Service sheets for its comparable sale #1 and two new comparable sales.

**Conclusion of Law**

As in initial matter, the Board finds it cannot consider the two new comparable sales submitted by the appellants in rebuttal. Section 1910.66(c) of the rules of the Property Tax Appeal Board states:

Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in guise of rebuttal evidence. (86 Ill.Admin.Code §1910.66(c)).

The appellants contend 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 appellants met this burden of proof.

The parties submitted nine comparable sales for the Board's consideration. The Board gave less weight to comparables #4 and #5 submitted by the appellants. These sales appear to be outliers due to their overall lower sale prices in relation to all the other comparable sales contained in the record. The Board gave less weight to comparables #1 and #4 submitted by the board of review due to their 2011 and 2014 sale dates, which are less indicative of market value as of the subject's January 1, 2013 assessment date. The Board finds the remaining five comparables are more similar when compared to the subject in location, design, age and features. They sold for prices ranging from \$205,000 to \$395,000 or from \$113.26 to \$204.83 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$420,214 or \$216.27 per square foot of living area including land, which falls above the range established by the most similar comparable sales. The Board further finds comparables submitted by the appellants were estate sales, a foreclosure or a sheriff sale that sold at the lower end of the price range. After considering adjustments to the comparables for differences when compared to the subject, the Board finds a 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.

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Chairman



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Member



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Member



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Member



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Member



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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: March 18, 2016



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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.