



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

APPELLANT: Byung Byun
DOCKET NO.: 13-02459.001-R-1
PARCEL NO.: 15-06-413-003

The parties of record before the Property Tax Appeal Board are Byung Byun, the appellant, by attorney Myeoung H. Lee, of Lee Yoo Bae LLP, in Glenview, and the Lake County Board of Review.

Based on the facts and exhibits presented in this matter, 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: \$24,619
IMPR.: \$88,316
TOTAL: \$112,935

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 brick and vinyl exterior construction with 2,678 square feet of living area. The dwelling was constructed in 1993. Features of the home include a full unfinished basement, central air conditioning and an attached two-car garage containing 420 square feet of building area. The property has a 9,898 square foot site and is located in Vernon Hills, Vernon Township, Lake County.

The appellant contends undervaluation as the basis of the appeal.¹ In support of this argument seeking to increase the assessment of the subject property, the appellant submitted information on three comparable sales. The comparable properties are located within .51 of a mile of the

¹ The appellant marked "recent sale" as the basis of the appeal, but did not complete Section IV – Recent Sale Data of the appeal form and furthermore, reported that the subject property was last transferred in 1993, a date too remote in time to be indicative of the subject's estimated market value as of January 1, 2013.

subject property and have parcels ranging in size from 8,484 to 11,453 square feet of land area. The parcels have been improved with two-story frame dwellings in average condition that were built in 1990 or 1992. The homes contain either 2,655 or 2,678 square feet of living area and each comparable has a full or partial basement, two of which have finished areas. No other characteristic details of the comparable dwellings were presented by the appellant. These properties sold between August 2012 and February 2013 for prices ranging from \$370,000 to \$390,000 or from \$138.16 to \$145.63 per square foot of living area, including land. These properties also have improvement assessments ranging from \$91,326 to \$99,351 or from \$34.10 to \$37.10 per square foot of living area.

The appellant also included an analysis of the subject's equalized assessed valuation for each year commencing in 2004 and through and including 2013 along with the applicable tax rate.

Based on the foregoing evidence, the appellant requested an increase in the subject's assessment to \$133,320 reflecting an improvement assessment of \$108,701 or \$40.59 per square foot of living area. This proposed total higher assessment would reflect a market value of \$400,000 or \$149.37 per square foot of living area, including land, 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 \$112,935. The subject's assessment reflects a market value of \$339,756 or \$126.87 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. The subject's land assessment is \$24,619 or \$2.49 per square foot of land area and the subject's improvement assessment is \$88,316 or \$32.98 per square foot of living area.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales, numbered 5 through 8, located within .65 of a mile of the subject property. The comparable properties have parcels ranging in size from 8,201 to 18,382 square feet of land area. The parcels have been improved with two-story frame dwellings in average condition that were built between 1989 and 1992. The homes range in size from 2,301 to 2,677 square feet of living area and each comparable has a basement, three of which have finished areas. Each home has central air conditioning, one or two fireplaces and a garage ranging in size from 420 to 497 square feet of building area. The properties sold between September 2012 and July 2013 for prices ranging from \$295,000 to \$345,000 or from \$123.65 to \$132.13 per square foot of living area, including land.

The board of review also submitted information on four equity comparables, numbered 1 through 4, located within .66 of a mile of the subject property. The comparable properties have parcels ranging in size from 7,524 to 13,008 square feet of land area. The parcels have been improved with two-story frame dwellings in average condition that were built between 1989 and 1994. The homes range in size from 2,572 to 2,678 square feet of living area and each comparable has a basement, two of which have finished areas. Each home has central air conditioning and three comparables have one or two fireplaces each. Each property has a garage of either 420 or 497 square feet of building area. The comparables have improvement assessments ranging from \$84,851 to \$89,407 or from \$31.68 to \$34.06 per square foot of living area.

Based on this market value evidence along with an analysis of equity comparables, the board of review requested confirmation of the subject's assessment.

In written rebuttal, newly retained counsel for the appellant contended that the subject property "has been assigned a value substantially lower than the fair market value." Counsel further argued that the subject's assessments for years 2011 and 2012 are lower than nearby appellant comparable #1. Counsel also cited to another property as an example depicting a lesser decrease in assessment between tax years 2011 and 2012. The Board finds this second example is a new suggested comparable property and cannot be considered in rebuttal. Pursuant to the rules of the Property Tax Appeal Board, rebuttal evidence is restricted to that evidence to explain, repel, counteract or disprove facts given in evidence by an adverse party. (86 Ill.Admin.Code §1910.66(a)). Moreover, rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. (86 Ill.Admin.Code §1910.66(c)). In light of these rules, the Property Tax Appeal Board may not consider the new comparable property submitted by the appellant in conjunction with the rebuttal argument.

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 an increase in the subject's assessment is not warranted.

The parties presented a total of seven comparable sales to support their respective positions before the Property Tax Appeal Board along with respective equity data for these properties. For purposes of the appellant's undervaluation argument, the Property Tax Appeal Board has given reduced weight to appellant's comparables #2 and #3 along with board of review comparables #1, #3 and #4 as each of these dwellings have finished basement areas which is a superior feature when compared to the subject's unfinished basement.

The Board finds the best evidence of market value to be appellant's comparable sale #1 and board of review comparable sale #2. These dwellings were built in 1992 and contain 2,678 and 2,301 square feet of living area, respectively. Each home has an unfinished basement. These most similar comparables sold in October 2012 and May 2013 for prices of \$295,000 and \$390,000 or for \$128.21 and \$145.63 per square foot of living area, including land. The subject's assessment reflects a market value of \$339,756 or \$126.87 per square foot of living area, including land, which is within the range established by the best comparable sales in this record in overall value and slightly below these best comparables on a per-square-foot basis. After considering adjustments to the comparables for differences when compared to the subject, the Board finds an increase in the subject's assessment is not justified.

The Supreme Court in Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395, 169 N.E.2d 769, discussed the constitutional requirement of uniformity. The Court stated that "[u]niformity in taxation, as

required by the constitution, implies equality in the burden of taxation." (Apex Motor Fuel, 20 Ill.2d at 401) The Court in Apex Motor Fuel further stated:

the rule of uniformity ... prohibits the taxation of one kind of property within the taxing district at one value while the same kind of property in the same district for taxation purposes is valued at either a grossly less value or a grossly higher value. [citation.]

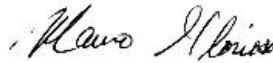
Within this constitutional limitation, however, the General Assembly has the power to determine the method by which property may be valued for tax purposes. The constitutional provision for uniformity does [not] call ... for mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute in its general operation. A practical uniformity, rather than an absolute one, is the test. [citation.] Apex Motor Fuel, 20 Ill.2d at 401.

In this context, the Supreme Court stated in Kankakee County that the cornerstone of uniform assessments is the fair cash value of the property in question. According to the Court, uniformity is achieved only when all property with similar fair cash value is assessed at a consistent level. Kankakee County Board of Review, 131 Ill.2d 1, at 21 (1989).

The Board finds the record contains seven equity comparables submitted by both parties. The Board has given reduced weight to appellant's equity comparables #2 and #3 along with board of review equity comparables #1 and #3 due to each of these dwellings having basement finish which is a superior amenity when compared to the subject.

The Board finds that appellant's equity comparable #1 and board of review equity comparables #2 and #4 were most similar to the subject. These comparables had improvement assessments that ranged from \$84,851 to \$99,351 or from \$31.68 to \$37.10 per square foot of living area. The subject's improvement assessment of \$88,316 or \$32.98 per square foot of living area is within this range. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's improvement assessment is equitable and a change in the subject's improvement assessment is not 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



Member

Member

DISSENTING: _____

CERTIFICATION

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: May 20, 2016



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.