



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

APPELLANT: Andrew & Nataly Spivak  
DOCKET NO.: 13-03115.001-R-1  
PARCEL NO.: 11-29-212-044

The parties of record before the Property Tax Appeal Board are Andrew & Nataly Spivak, the appellants, 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:** \$29,829  
**IMPR.:** \$43,299  
**TOTAL:** \$73,128

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 two-story townhouse of frame construction with 1,701 square feet of living area. The townhouse was constructed in 2003. Features of the townhome include a concrete slab foundation, central air conditioning and an attached two-car garage of 473 square feet of building area. The property has a 1,899 square foot site and is located in Vernon Hills, Libertyville Township, Lake County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$210,000 as of January 1, 2013. The appraisal was prepared to establish an

opinion of market value for a tax assessment appeal appraising the fee simple rights.

The appraiser utilized the sales comparison approach to value. The appraiser analyzed three comparable sales located within .08 of a mile from the subject property. The comparables were described as parcels of 1,803 or 2,496 square feet of land area which were improved with townhomes of brick and frame construction that were 10 years old. The comparable townhomes range in size from 1,701 to 2,164 square feet of living area. Two of the comparables have finished basements. Each comparable has central air conditioning, three or four fireplaces and a two-car garage. These comparable properties sold between January 2012 and June 2012 for prices ranging from \$220,000 to \$250,000 or from \$115.00 to \$136.98 per square foot of living area, including land.

The appraiser reported that each comparable was located in the subject's Shadow Creek subdivision. Adjustments were made to comparables #2 and #3 for basement and basement finish along with other adjustments to dwelling size. From this process, the appraiser opined adjusted sales prices ranging from \$208,000 to \$210,280.

Based on the foregoing evidence, the appellants requested an assessment reflective of the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$75,101. The subject's assessment reflects a market value of \$225,936 or \$132.83 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 response to the appellants' appraisal report, the board of review asserted that sales #2 and #3 in the report back to a subdivision feeder street and to a 4-lane, heavy traffic road, respectively. Despite this external issue, the appraiser made no adjustments or discussed the matter in the appraisal. Moreover, appraisal sale #2 reportedly resold in December 2013 for \$247,000. No documentation was presented to support the resale of the property other than the property record card.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales, where board of review comparable #4 is appraisal sale #1 and board of review comparable #3 is appraisal sale #2. The four comparable sales are located within .09 of a mile of the subject property. The comparables were described as parcels ranging in size from 1,803 to 2,496 square feet of land area which were improved with two-story frame townhouses that were built in 2003. The comparable townhomes contain either 1,701 or 1,913 square feet of living area. Two of the comparables have basements. Each comparable has central air conditioning, one comparable has a

fireplace and each has a 400 square foot garage. These four comparable properties sold between November 2011 and November 2012 for prices ranging from \$220,000 to \$244,000 or from \$115.00 to \$143.45 per square foot of living area, including land.

Based on the foregoing evidence and argument, the board of review requested confirmation of the subject's assessment.

#### **Conclusion of Law**

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 and a reduction in the subject's assessment is warranted.

The Property Tax Appeal Board has given reduced weight to the value conclusion of the appellants' appraisal. The Board finds that based on the sales of similar properties located in the same development, the appraisal conclusion does not appear to be well-supported or a valid indication of the subject's estimated market value. Having given reduced weight to the value conclusion, the Board will examine all five comparable sales presented by the parties.

The Board finds the best evidence of market value to be appraisal sale #1 and board of review comparable sales #2 and #4. These properties reflect townhomes without basements like the subject property. These comparables sold in early 2012 for \$220,000 or \$115.00 or \$129.34 per square foot of living area, including land. The subject's assessment reflects a market value of \$225,936 or \$132.83 per square foot of living area, including land, which is above the range established by the best comparable sales in the record. The Board has given reduced weight to the remaining comparable properties as each is superior to the subject by having a basement which is not a feature of the subject townhome.

The Board finds the subject property is overvalued and a reduction in the subject's assessment is justified.

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.

*Mario Albino*

Chairman

*K. L. Ferr*

Member

*JR*

Member

*Jerry White*

Acting Member

*Robert Hoffmann*

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: April 22, 2016

*A. Heston*

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.