



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

APPELLANT: Donald Utterback  
DOCKET NO.: 13-03439.001-R-1  
PARCEL NO.: 16-29-112-004

The parties of record before the Property Tax Appeal Board are Donald Utterback, the appellant, by attorney Eli R. Johnson of Robert H. Rosenfeld and Associates, LLC in Chicago, 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:** \$76,729  
**IMPR:** \$54,053  
**TOTAL:** \$130,782

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a 2012 decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) in order to challenge 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 is an owner occupied residence located in Deerfield, West Deerfield Township, Lake County.

In the instant appeal, the appellant through legal counsel submitted a request to have the 2012 assessment of the subject property of \$133,724 carried forward "subject to the 2012 equalization factor of .9530." Based on this evidence, the

appellant reported the subject had a 2013 assessment of \$145,064 which should be reduced to a total assessment of \$123,750.<sup>1</sup>

The board of review submitted its "Board of Review Notes on Appeal" wherein the final 2013 assessment of the subject property totaling \$130,782 was disclosed.

In a letter, the board of review noted the error by appellant in the subject's 2013 assessment. Furthermore, the board of review asserted the subject property was an owner occupied dwelling that was the subject matter of an appeal before the Property Tax Appeal Board for the 2012 tax year under Docket Number 12-04540.001-R-1. In that appeal, the Property Tax Appeal Board issued a decision reducing the subject's assessment to \$133,724.

The board of review further explained that the township's general assessment period began in 2011 and runs through tax year 2014. The board of review letter further indicated that in tax year 2013 West Deerfield Township applied an equalization factor of .9780. Therefore, the board of review explained that when the 2013 tax year was calculated by applying the 2013 equalization factor to the Property Tax Appeal Board's assessment as determined for 2012 in accordance with Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) the subject's assessment is \$130,782. Therefore, the board of review requested confirmation of the subject's assessment.

#### Conclusion of Law

The subject property was the subject matter of an appeal before the Property Tax Appeal Board in the 2012 tax year under Docket Number 12-04540.001-R-1. In that appeal the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property to \$133,724 based on a stipulation or agreement submitted by the parties.

Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

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<sup>1</sup> The appellant's request for a land assessment of \$74,767 and for an improvement assessment of \$48,983 did not add up to the stated total of \$127,438 in Section 2c of the appeal petition.

The Board further finds that the prior 2012 tax year decision should be carried forward to subsequent years in the general assessment cycle subject only to any equalization factor applied to that year's assessments.

The record further disclosed the subject property is an owner occupied dwelling and the 2011, 2012 and 2013 tax years are in the same general assessment period. The record also disclosed that an equalization factor of .9780 was applied in West Deerfield Township in 2013.

Furthermore, the decision of the Property Tax Appeal Board for the 2012 tax year was not reversed or modified upon review and there was no evidence the property sold establishing a different fair cash value. Therefore, applying section 16-185 of the Property Tax Code results in an assessment of \$130,782. In conclusion, the Property Tax Appeal Board finds that no change in the subject's assessment is warranted in light of the Property Tax Code and on the facts presented in this record.

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.