



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

APPELLANT: Constance Matthews
DOCKET NO.: 13-03712.001-R-1
PARCEL NO.: 10-22-303-001

The parties of record before the Property Tax Appeal Board are Constance Matthews, 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: \$ 30,209
IMPR.: \$ 120,794
TOTAL: \$ 151,003

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 3,459 square feet of living area that was built in 2002. Features include an unfinished basement, central air conditioning, a fireplace and an 876 square foot attached garage. The subject property has a 10,454 square foot golf course 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 \$435,000 as of January 1, 2013. The appraisal was prepared by Charles Walsh, a state licensed appraiser. The appraiser developed the sales comparison approach to value in arriving at the final opinion of value. The appraiser identified three comparable sales located from .29 to .53 of a mile from the subject. The comparables had varying degrees of similarity when compared to the subject in land area, setting, design, age, dwelling size and features. The comparables sold from August 2011 to June 2012 for prices ranging from \$495,555 to \$685,000 or from \$99.31 to \$160.35 per square foot of living area including land. The appraiser adjusted the comparables for differences to the subject in land area, view, age, condition, room count, dwelling size, finished basement area and fireplaces. After adjustments, the comparables had adjusted sale prices ranging from \$380,880 to \$458,720 or from \$73.44 to \$107.38 per square foot of living area including land. The appraiser concluded that comparable #2 was superior to the subject in quality and condition per MLS (Multiple Listing Service) and photographs. The appraiser acknowledged comparables #1 and #3 are bank owned or foreclosures that sold in "as is" condition. The appraiser determined the subject was in average condition. Based on the adjusted sales, the appraiser concluded a final value estimate for the subject property of \$435,000 or \$125.76 per square foot of living area including land. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject property's final assessment of \$151,003 was disclosed. The subject's assessment reflects an estimated market value of \$454,281 or \$131.33 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 comparables #1 and #3 are bank foreclosures that sold "as is." The board of review argued comparables #2 and #3 sold in 2011, 13 to 16 months prior to the assessment date.

In support of the subject's assessment, the board of review submitted three comparable sales. The comparables are located from .13 to .18 of a mile from the subject. The comparables had varying degrees of similarity when compared to the subject in land area, setting, design, age, dwelling size and features. They sold from October 2012 to November 2013 for prices ranging from \$418,000 to \$520,000 or from \$145.14 to \$170.36 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 gave less weight to the appraisal submitted by the appellant. Comparables #2 and #3 sold in 2011, which are dated and less reliable indicators of market value as of the subject's January 1, 2013 assessment date. The Board further finds comparables #1 and #3 are considerably larger in dwelling size than the subject. Finally, the Board finds the large adjustment amounts applied to the comparables for view, dwelling size, condition and finished basement area are suspect and are not supported by any corroborating market value evidence. These factors undermine the credibility of the value conclusion as determined by the appellant's appraiser.

The Board finds the best evidence of market value contained in this record are the comparable sales submitted by the board of review. These comparables are located in close proximity and were similar to the subject in land area, design, age, size and most features. They sold from October 2012 to November 2013 for prices ranging from \$418,000 to \$520,000 or from \$145.14 to \$170.36 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$454,281 or \$131.33 per square foot of living area including land, which falls below the range established by the most similar comparable sales contained in the record on a per square foot basis. After considering logical adjustments to the comparables for differences to the subject, the Board finds 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.

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.