



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

APPELLANT: Kimberly Landfair
DOCKET NO.: 13-03784.001-R-1
PARCEL NO.: 13-09-103-006

The parties of record before the Property Tax Appeal Board are Kimberly Landfair, 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: \$ 29,908
IMPR: \$ 158,816
TOTAL: \$ 188,724

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 and masonry dwelling that contains 4,108 square feet of living area. The dwelling was built in 2003. Features include a full finished English basement¹, central air conditioning, a fireplace, a

¹ The appellant's appraiser and the board of review described the subject as having an unfinished basement, however; a Multiple Listing Service Sheet (MLS) submitted by the board of review described the subject dwelling as having a fully finished English basement. The Subject property was listed for sale on the open market for \$674,900 on February 10, 2014, but its offering priced was incrementally reduced to \$600,000 by September 8, 2014.

swimming pool and an 835 square foot garage. The subject property has a 40,851 square foot site. The subject property is located in Cuba Township, Lake County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal of the subject property estimating a market value of \$475,000 as of January 1, 2013. The appraisal was prepared by Steven L. Smith, 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 .17 to .37 of a mile from the subject. The comparables had varying degrees of similarity when compared to the subject in land area, design, age, dwelling size and features. The comparables sold from January 2012 to October 2012 for prices ranging from \$405,000 to \$470,000 or from \$113.46 to \$125.00 per square foot of living area including land. The appraiser adjusted the comparables for differences to the subject in land area, view, age, room count, dwelling size, fireplaces and swimming pools. After adjustments, the comparables had adjusted sale prices ranging from \$469,580 to \$475,900 or from \$122.96 to \$144.93 per square foot of living area including land. Based on the adjusted sales, the appraiser concluded a final value estimate for the subject property of \$475,000 or \$115.63 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 \$188,724 was disclosed. The subject's assessment reflects an estimated market value of \$567,762 or \$138.21 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 comparable #1 was a foreclosure sale; comparable #2 is located in a different development than the subject; and comparable #3 is 21% smaller in dwelling size than the subject.

In support of the subject's assessment, the board of review submitted four comparable sales. One comparable was also used by the appellant's appraiser. The comparables are located from .06 to .31 of a mile from the subject. The comparables had varying degrees of similarity when compared to the subject in land area, design, age, dwelling size and features. They sold from August 2012 to July 2013 for prices ranging from \$470,000 to \$685,000 or from \$122.01 to \$156.64 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 little weight to the appraisal submitted by the appellant. Comparable # 2 is located in a different development than the subject. Comparable #3 is considerably smaller in dwelling size when compared to the subject. Finally, the appraiser concluded the comparables had adjusted sale prices ranging from \$122.96 to \$144.93 per square foot of living area including land, however; the appraiser concluded the subject had a market value of \$115.63 per square foot of living area including land, less than the three adjusted comparable sales on a per square foot basis. These factors undermine the credibility of the appraiser's final value conclusion.

The Board further analyzed the raw sales data for the six comparable sales contained in the record. Again, less weight was given to comparables #2 and #3 contained in the appellant's appraisal. Comparable # 2 is located in a different development than the subject and comparable #3 is considerably smaller in dwelling size when compared to the subject. The Board finds the remaining four comparables were more similar when compared to the subject in location, land area, design, dwelling size, age, and features. These comparables sold from August 2012 to July 2013 for prices ranging from \$470,000 to \$685,000 or from \$122.01 to \$156.64 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$567,762 or \$138.21 per square foot of living area including land. The subject's estimated market value falls within the range established by the most similar comparable sales contained in the record. Thus, no reduction in the subject's assessment is justified.

As final point, the Board finds the subject's listing price of \$600,000 in 2014 further diminished the appellant's overvaluation claim and undercuts the appraiser's opinion of market value of \$475,000.

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.