



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

APPELLANT: Arnold Leavitt
DOCKET NO.: 13-03799.001-R-1
PARCEL NO.: 16-23-207-073

The parties of record before the Property Tax Appeal Board are Arnold Leavitt, 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 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: \$110,095
IMPR.: \$144,805
TOTAL: \$254,900

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 one-story brick dwelling that contains 3,476 square feet of living area. The dwelling was built in 1988. Features include an unfinished basement, central air conditioning, a fireplace and a 518 square foot garage. The subject property has a 20,202 square foot site. The subject property is located in Moraine 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 \$725,000 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 .06 to .75 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 in June or August of 2012 for prices ranging from \$400,000 to \$840,000 or from \$186.64 to \$345.54 per square foot of living area including land. The appraiser adjusted the comparables for differences to the subject in land area, view, design, condition, room count, dwelling size, finished basement area, porches, fireplaces and "upgrades." After adjustments, the comparables had adjusted sale prices ranging from \$570,400 to \$772,700 or from \$184.00 to \$317.85 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 \$725,000 or \$208.57 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 \$270,868 was disclosed. The subject's assessment reflects an estimated market value of \$814,886 or \$234.43 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 torn down after its sale; comparable #2 sold with a tenant occupying the dwelling and the home was remodeled after the sale; and comparable #3 is older than the subject.

In support of the subject's assessment, the board of review submitted four comparable sales. The comparables are located from .05 to 1.36 miles 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 2011 to November 2012 for prices ranging from \$730,000 to \$850,000 or from \$223.39 to \$257.23 per square foot of living area including land. The board of review acknowledged comparable #1 was torn down after its sale. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Under rebuttal, appellant's counsel argued board of review comparable #1 was not an arm's-length transaction because it was not exposed to the open market as depicted on the Real Estate Transfer Declaration submitted. Appellant's counsel argued comparable #3 is a dissimilar two-story style dwelling¹ that sold in 2011.

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

¹ Comparable #3 used by the appellant's appraiser is a 2.5 story style dwelling.

construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant met this burden of proof.

The Board gave little weight to the appraisal submitted by the appellant. The Board finds comparable #1 was torn after its sale and is not a credible indicator of market value for the subject as improved. Based on this record, this sale after represents the raw land value of the property. Notwithstanding these facts, comparable #1 was exposed to the open market for only one day, which raises questions as to adequate market exposure and the arm's-length nature of the transaction. Less weight was given to appraisal comparable #2 due to its older age and smaller dwelling size when compared to the subject. Less weight was given to appraisal comparable #3 due to its dissimilar design and its considerably older age when compared to the subject. The Board also gave less weight to comparables #1 and #3 submitted by the board of review. Comparable #1 was torn after its sale and is not a credible indicator of market for the subject as improved. In addition, this sale was not an arm's-length transaction because it was not advertised for sale on the open market. Comparable #3 is a dissimilar two-story dwelling and sold in 2011, which is not a reliable indicator of market value as of the subject's January 1, 2013 assessment date.

The Board finds comparables #2 and #4 submitted by the board of review are most similar when compared to the subject in location, land area, design, dwelling size, age, and features. These comparables sold in July and August of 2012 for prices of \$750,000 and \$850,000 or \$223.39 and \$230.49 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$814,886 or \$234.43 per square foot of living area including land, which is greater than the two most similar comparable sales contained in this record on a per square foot basis. After considering logical adjustments to the most similar comparables for differences to the subject, the Board finds a 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.



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.