



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

APPELLANT: Jason Seiden
DOCKET NO.: 13-03801.001-R-1
PARCEL NO.: 16-34-412-036

The parties of record before the Property Tax Appeal Board are Jason Seiden, 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: \$ 84,650
IMPR.: \$ 239,191
TOTAL: \$ 323,841

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 brick dwelling that contains 5,110 square feet of living area. The dwelling was built in 1989. Features include a full basement that is 80% finished, central air conditioning, a fireplace and a 759 square foot garage. The subject property has a 25,388 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 \$925,000 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 .08 to .47 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 July 2011 to June 2012 for prices ranging from \$800,000 to \$1,215,000 or from \$157.32 to \$247.96 per square foot of living area including land. The appraiser adjusted the comparables for differences to the subject in land area, quality of construction, age, condition, dwelling size, garage area, fireplaces and "upgrades." After adjustments, the comparables had adjusted sale prices ranging from \$875,620 to \$1,004,700 or from \$162.42 to \$206.32 per square foot of living area including land. The appraiser concluded the comparables #1 and #2 were most similar to the subject. Based on the adjusted sales, the appraiser concluded a final value estimate for the subject property of \$925,000 or \$181.02 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 \$323,841 was disclosed. The subject's assessment reflects an estimated market value of \$974,251 or \$190.66 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 the appraiser used an incorrect dwelling size for comparable #1 based on its property record card. Regardless, the board of review argued appraisal comparable #1, after adjustment, supports the subject's assessed market value. The board of review argued appraisal comparables #2 and #3 sold in 2011, 15 to 17 months prior to the January 1, 2013 assessment date.

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 .09 to .44 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 June 2012 to May 2014 for prices ranging from \$825,000 to \$1,215,000 or from \$196.38 to \$232.00 per square foot of living area including land. 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 #2 is not a valid comparable because it sold in 2014. The appellant's counsel argued comparables #3 and #4 are superior to the subject in many aspects.

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. The Board finds comparables #2 and #3 sold in 2011, which are dated and less indicative of market value as of the subject's January 1, 2013 assessment date. The Board finds the large adjustment amounts applied to comparable #1 for condition and upgrades are suspect, redundant and are not supported by any objective market value evidence. Finally, the unrefuted evidence disclosed the appellant's appraiser used an incorrect dwelling size for comparable #1. These factors undermine the credibility of the appraiser's final value conclusion. The Board also gave less weight to comparables #2 and #4 submitted by the board of review. Comparable #2 sold in 2014, well past the subject's January 1, 2013 assessment date to be considered a reliable indicator of market value. Comparable #4 is smaller in dwelling size when compared to the subject.

The Board finds comparables #1 and #3 submitted by the board of review are most similar when compared to the subject in location, land area, design, dwelling size, age, and features. Comparable #1 was also used by the appellant's appraiser. These comparables sold in June 2012 and May 2013 for prices of \$900,000 and \$1,215,000 or \$202.70 and \$232.50 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$974,251 or \$190.66 per square foot of living area including land. After considering logical adjustments to the most similar comparables for differences to the subject, the Board finds the subject's assessed values is supported and no reduction 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.