



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

APPELLANT: Anthony Abbattista
DOCKET NO.: 14-00867.001-R-1
PARCEL NO.: 12-33-210-009

The parties of record before the Property Tax Appeal Board are Anthony Abbattista, 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 in this matter, 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: \$399,344
IMPR.: \$250,656
TOTAL: \$650,000

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 2014 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 single-family dwelling of brick and frame exterior construction with 8,336 square feet of living area. The dwelling was constructed in approximately 1941 with an effective age of 30 years.¹ Features of the home include a partial basement with finished area, four heating systems with forced air heated via steam, central air conditioning, four fireplaces, an attached two-car garage, an additional detached two-car garage, an in-ground pool and a pool house. The property has a 71,250 square foot site and is located on a quiet residential street in Lake Forest, Shields Township, Lake County.

¹ The subject's age data is drawn from the appellant's appraisal report, which contains conflicting data. On the "Summary of Salient Features" the appraiser noted the dwelling was 73 [years old] with an effective age of 20. On page two of the report, the appraiser reported the dwelling was 48 years old with an effective age of 30 years. Meanwhile, the appellant reported in Section III of the Residential Appeal petition that the subject dwelling was built in 1913.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$1,950,000 as of January 1, 2014.

Under the cost approach the appraiser estimated the subject had a site value of \$950,000. The appraiser estimated the reproduction cost new of the improvements to be \$1,030,280. The appraiser estimated physical depreciation to be \$274,776 resulting in a depreciated improvement value of \$755,504. The appraiser also estimated the site improvements had a value of \$250,000. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$1,955,504 under the cost approach to value.

Under the sales comparison approach the appraiser analyzed four comparable sales located in Lake Forest and which were within 1.29-miles of the subject property. The parcels range in size from 27,878 to 130,680 square feet of land area and are improved with two-story frame or frame and stone dwellings that were 25 to 119 years old, two of which had effective ages of 20 years. The homes range in size from 6,400 to 6,638 square feet of living area with full or partial basements, one of which has finished area and comparable #4 is "unfinished" but has "two rooms." Each home has central air conditioning and two have forced air radiant heat. Each dwelling has from three to five fireplaces and from a two-car to a four-car garage. Each comparable has a pool and one comparable has a coachhouse. The appraiser did not reflect the subject's poolhouse in the comparable sales analysis and did not reflect whether any of the comparables have a poolhouse. The properties sold between March 2013 and January 2014 for prices ranging from \$1,250,000 to \$1,950,000 or from \$195.31 to \$293.76 per square foot of living area, including land.

The appraiser next made adjustments to the comparables for differences from the subject, including for lot size at \$1.00 per square foot of land area, condition where comparable #3 was adjusted for "inferior condition," room count, dwelling size which was adjusted at \$40 per square foot, basement finished, functional utility for bedroom count, fireplace count and garage size. The appraiser asserted that the comparables presented were the best available from the market search and most similar to the subject in size, style and utility. After adjustments, the appraiser opined adjusted sale prices for the comparables ranging from \$1,556,210 to \$2,033,186.

In reconciliation, the appraiser gave most weight to the sales comparison approach to value which was confirmed by the cost approach to value and ultimately opined a value for the subject of \$1,950,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$723,601. The subject's assessment reflects a market value of \$2,171,672 or \$260.52 per square foot of living area, land included, when using the 2014 three year average median level of assessment for Lake County of 33.32% as determined by the Illinois Department of Revenue.

The board of review timely filed its "Board of Review Notes on Appeal" seeking a sixty (60) day extension. By letter dated July 31, 2015, the Property Tax Appeal Board granted a "final" extension of an additional sixty (60) days to submit evidence or a deadline of September 29,

2015. By request postmarked on September 29, 2015, the board of review requested an additional sixty (60) day extension to submit evidence. The Property Tax Appeal Board considered the board of review's latest extension request at its meeting held on November 10, 2015 and denied the extension request. Therefore, the board of review's responsive evidence in the form of a review appraisal with an alternate fair cash value conclusion for the subject that was received on November 30, 2015 was deemed to be untimely and has not been considered in issuing this decision.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best and only timely evidence of market value in the record to be the appraisal submitted by the appellant with an estimated market value opinion for the subject of \$1,950,000 as of the January 1, 2014. The subject's assessment reflects a market value of \$2,171,672, including land, which is above the appraised value in the record. Based on this evidence the Board finds the subject property is overvalued and a reduction in the subject's assessment is justified commensurate with the appellant's request.

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



Acting 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:

August 19, 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.