



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

APPELLANT: Eric Nixon
DOCKET NO.: 14-01516.001-R-1
PARCEL NO.: 16-28-312-055

The parties of record before the Property Tax Appeal Board are Eric Nixon, the appellant, by attorney Nora Doherty of Steven B. Pearlman & Associates in Chicago; and the Lake County Board of Review.

Based on the facts and exhibits presented in this matter, 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: \$60,794
IMPR.: \$256,978
TOTAL: \$317,772

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 is improved with a two-story single family dwelling of brick and wood exterior construction with 3,926 square feet of living area. The dwelling was constructed in 2006. Features of the home include a basement, central air conditioning, a fireplace and a built in garage with 941 square feet of building area. The basement area is finished with a recreation room, gym, media room and one powder room. Other improvements include an asphalt driveway and an in-ground swimming pool. The property has a 12,179 square foot site and is located in Deerfield, West Deerfield Township, Lake County.

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 \$850,000 as of January 1, 2013. The appraisal was prepared by Frank C. Urban, Certified General Real Estate Appraiser, and Michael Urban, Associate Real Estate Trainee Appraiser. The appraisers

described the subject property as exhibiting physical depreciation through elements of deferred maintenance associated with a roof leak above the front porch; one of the air conditioner compressors is broken; the rear yard floods and the foundation leaks.

In estimating the market value of the subject property the appraisers developed the sales comparison approach to value using five comparable sales. The comparables were described as being improved with two-story dwellings that ranged in size from 3,557 to 4,503 square feet of living area. The dwellings ranged in age from 5 to 53 years old. Each property has a full finished basement, five bedrooms and a two-car or a three-car garage. The comparables had sites ranging in size from 8,097 to 15,154 square feet of land area. The sales occurred from July 2012 to August 2013 for prices ranging from \$790,000 to \$975,000 or from \$203.77 to \$238.68 per square foot of living area, including land. Adjustments were made to the comparables for differences from the subject in living area, site area, construction, bedrooms, bathrooms, basement and garage area arriving at adjusted prices ranging from \$775,000 to \$900,000. Based on this data the appraisers arrived at an estimated market value of 850,000 as of January 1, 2013. Based on this evidence the appellant requested the subject's assessment be reduce to \$283,305 to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$317,772. The subject's assessment reflects a market value of \$953,697 or \$242.92 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.

In rebuttal the board of review noted there was a discrepancy between the age as reported in the appraisal for sale #3 of 12 years while the assessment records report the dwelling as being built in 1960. It also asserted the appraisal did not quantify the contributory value for the significant age difference for appraisal sale #5, which was also built in 1960, and the subject property. It also questioned various other adjustments to the comparables and further noted for there was no adjustment to the comparables for a lack of an in-ground swimming pool.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales improved with two-story dwellings of wood siding, brick or brick and wood construction that ranged in size from 3,327 to 4,093 square feet of living area. The dwellings were constructed from 2003 to 2007. Each comparable has a basement with one being partially finished. Each comparable also has central air conditioning, one fireplace, and a garage ranging in size from 680 to 965 square feet of building area. The sales occurred from September 2013 to August 2014 for prices ranging from \$965,000 to \$1,045,000 or from \$255.31 to \$300.57 per square foot of living area, including land.

The board of review also submitted a copy of a Multiple Listing Service listing sheet for the subject property and a copy of the subject's Listing & Property History Report disclosing the subject property was listed for sale in May 2015 for a price of \$1,325,000. The Listing & Property History Report disclosed the property was originally listed for sale in April 2014 for a price of \$1,385,000.

Based on this evidence the board of review requested the subject's assessment be confirmed.

The appellant submitted rebuttal comments responding to the board of review concerns with the appellant's appraisal.

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 and a reduction in the subject's assessment is not warranted.

The Board gives little weight to the conclusion of value contained in the appellant's appraisal as the effective date of the report was January 1, 2013, one year prior to the assessment date at issue. Furthermore, three of the sales occurred in July 2012 and September 2012, more than one year prior to the assessment date at issue. The Board finds the best evidence of market value as of the assessment date at issue to be appraisal comparable sales #2 and #4 and the sales provided by the board of review. These properties were relatively similar to the subject in age, size, style and features. These properties sold from April 2013 to August 2014 for prices ranging from \$790,000 to \$1,045,000 or from \$203.77 to \$300.57 per square feet of living area, including land. The subject's assessment reflects a market value of \$953,697 or \$242.92 per square foot of living area, including land, which is within the range established by the best comparable sales in the record. Furthermore, the Property Tax Appeal Board finds the record disclosed the subject property was listed for sale in April 2014 for a price of \$1,385,000, or approximately 63% above the appraised value, calling into question the credibility and validity of the appellant's appraisal in estimating the market value of the subject property as of January 1, 2014. Based on this evidence the Board finds a reduction in the subject's assessment is not justified.

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: October 21, 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.