



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

APPELLANT: Robert Cooper
DOCKET NO.: 15-02776.001-R-1
PARCEL NO.: 16-27-402-020

The parties of record before the Property Tax Appeal Board are Robert Cooper, the appellant, by attorney Ronald Kingsley, of Lake County Real Estate Tax Appeal, LLC in Lake Forest; 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: \$54,184
IMPR.: \$49,139
TOTAL: \$103,323

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 2015 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 tri-level dwelling of brick exterior construction built in 1973. The dwelling contains 1,250 square feet of living area¹ and features a finished lower level and a 440 square foot garage. The subject has a 12,850 square foot site that backs up to a park with a railroad track to the side. The subject property is located in Highland Park, Moraine Township, Lake County.

¹ The appraiser reports the dwelling contains 1,312 square feet of living area and submitted a schematic to support the claim. The assessor claims the dwelling contains 1,250 square feet of living area and submitted a Property Record Card with schematic to support the claim. The appellant, in the grid analysis, used 1,250 square feet of living area as the subject's dwelling size. The Board accepts the assessor's and appellant's determination of size for the purpose of this analysis.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted both an appraisal and three comparable sales. The appraisal, prepared by Lev Novoseletsky, a state certified general real estate appraiser, estimated the subject property had a market value of \$230,000 or \$184.00 per square foot of living area as of April 5, 2014. The appraiser analyzed three comparables that sold in May or June 2013 for prices ranging from \$220,000 to \$280,000. After adjusting for differences with the subject in location, quality, age, condition, dwelling size, garages, decks, fireplaces, and basement size and finish, the comparables adjusted sale prices ranged from \$215,500 to \$242,000. The appraiser also stated on page 2 of the appraisal that the subject had a prior sale/transfer on October 9, 2012 in the amount of \$199,100.

In further support of this argument the appellant submitted information on three comparable sales. These comparables are described as tri-level dwellings of brick construction built between 1956 and 1974. They range in size from 1,250 to 1,616 square feet of living area. They feature finished lower levels and central air conditioning. One comparable has a finished basement, one features a fireplace and two have garages. They are located a distance of .30 to .93 of a mile from the subject. These comparables sold between August 2014 and July 2015 for prices ranging from \$267,000 to \$310,000 or from \$165.22 to \$248.00 per square foot of living area land included.

Based on this evidence, the appellant requested the total assessment be reduced to \$76,659 or a market value of approximately \$230,000 or \$184.00 per square foot of living area including land at the statutory level of assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject property of \$113,131. The subject's January 1, 2015 assessment reflects an estimated market value of \$340,961 or \$272.77 per square foot of living area including land when applying the 2015 three-year average median level of assessment for Lake County of 33.18%. as determined by the Illinois Department of Revenue.

In support of the subject's assessment, the board of review submitted four comparable sales, #2 of which was the same property as the appellant's grid analysis comparable #3. These comparables are described as tri-level or 2-story dwellings of brick construction built between 1961 and 1976 and ranging in size from 1,250 to 1,630 square feet of living area. They are located a distance of .243 to .362 of a mile from the subject and feature finished lower levels and central air conditioning. One comparable has a finished basement, three have garages and one has a fireplace. These comparables sold from January to September 2015 for prices ranging from \$293,500 to \$375,000 or from \$230.06 to \$272.76 per square foot of living area including land.

With respect to the appellant's evidence, the board of review claimed the subject "sold one month prior to the effective (date) noted in the appraisal for \$323,000" and submitted a PTAX-203 Illinois Real Estate Transfer Declaration documenting the subject's sale in March 2015 for \$323,000. The board of review claims the appraiser did not disclose this sale in the "prior sale/transfer" section of the appraisal report.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's counsel claims the board of review commented on the appraisal but was silent about the three additional sales comparables. The appellant's counsel further states that "(board of review) comparable #2 is a fine comparable in that it supports our request and is the same as our comparable #3."

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.

Initially, the Board gave no weight to the board of review's argument that the appraisal should have included the March 2015 sale of the subject. This sale occurred nearly one year after the signature date on the appraisal.

The appellant submitted an appraisal estimating the subject property had a market value of \$230,000 or \$184.00 per square foot of living area as of April 5, 2014. The Board gave less weight to the appraisal report based on the three comparable sales being somewhat dated, occurring 18-19 months prior to the subject's assessment date of January 1, 2015, and for which no adjustments were made.

The parties also submitted six sales comparisons for the Board's consideration. Less weight was given to appellant's comparables #1 and #2 and board of review comparables #3 and #4 based on the dissimilar 2-story style and/or larger dwelling size as compared to the subject. The Board finds the best evidence of market value in the record to be appellant's comparable #3 (same property as board of review comparable #2) and board of review comparables #1 and #2. These comparables were most similar to the subject in location, style, exterior construction, age and dwelling size. They sold proximate in time to the subject's assessment date of January 1, 2015 for \$293,500 and \$310,000 or for \$234.80 and \$248.00 per square foot of living area. The subject's assessment reflects an estimated market value of \$340,961 or \$272.77 per square foot of living area which is greater than the most similar comparable sales in the record on both a total market value basis as well as a per square foot basis. Based on this evidence, the Board finds the appellant has proven by a preponderance of the evidence subject's assessment is not reflective of market value and 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



Acting 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: August 18, 2017



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.