



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

APPELLANT: Michelle & Brad Kramer  
DOCKET NO.: 15-03677.001-R-2  
PARCEL NO.: 16-21-402-048

The parties of record before the Property Tax Appeal Board are Michelle & Brad Kramer, the appellants, 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:** \$90,509  
**IMPR.:** \$268,861  
**TOTAL:** \$359,370

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellants 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 one-story single-family dwelling of brick exterior construction with 4,281 square feet of living area. The dwelling was constructed in 2001. Features of the home include a full, 4,281 square foot, unfinished basement, four bedrooms, 2.5 bathrooms, central air conditioning, a fireplace and a 1,106 square foot garage. The property has a 37,125 square foot site and is located in Highland Park, West Deerfield Township, Kane County.

The appellants contend both assessment inequity and overvaluation as the bases of the appeal. No dispute was specifically raised concerning the subject's land assessment. As part of the submission, the appellants included a four-page brief outlining their evidence. The appellants contend the subject parcel is a corner lot located on a very busy thoroughfare. The appellants also contend the assessing officials have compared to the subject dwelling, due in part to its size, to "larger ranch homes" whereas the appellants contend due to the number of bedrooms and

smaller number of bathrooms with an unfinished basement and no pool amenity, the subject has been incorrectly valued.

In support of the overvaluation argument, the appellants submitted information on three comparable sales located within .36 of a mile of the subject (Exhibits A, B & C). The comparable parcels range in size from 38,313 to 76,626 square feet of land area and have been improved with one-story brick or wood siding homes, one of which also has a loft. The homes were built in 1960, which has been rehabbed, or in 2001. The homes have from 2.5 to 4.1 bathrooms and range in size from 4,634 to 5,944 square feet of living area. Each home has a basement ranging in size from 1,100 to 2,287 square feet of building area with finished areas, central air conditioning and a garage ranging in size from 840 to 1,556 square feet of building area. Two of the comparables have one and four fireplaces, respectively. Two of the comparables also have in-ground swimming pools. The properties sold between July 2013 and June 2014 for prices ranging from \$1,137,500 to \$1,300,000 or from \$201.88 to \$262.10 per square foot of above-grade living area, including land.<sup>1</sup>

In support of the inequity argument, the appellants submitted information on six comparable properties located from .54 of a mile to 1.21-miles from the subject property (Exhibits D, E, F, G, H & J). The appellants reported that five of these properties are "in a private subdivision, Hybernia." The comparables consist of a two-story and five, one-story dwellings of brick or wood siding exterior construction. The homes were built in 1994 or 1996 and range in size from 3,488 to 4,247 square feet of living area. Five of the comparables have basements ranging in size from 3,059 to 4,247 square feet of building area, one of which has finished area. Each homes has central air conditioning and five of the comparables each have a fireplace. Each property also has a garage ranging in size from 575 to 851 square feet of building area. These properties have improvement assessments ranging from 170,524 to \$265,375 or from \$48.89 to \$64.76 per square foot of living area.

With their original appeal petition, the appellants' brief included "rebuttal of assessor's comps" which has not been analyzed since at the time the argument was filed, the board of review had not submitted any evidence in this pending Property Tax Appeal Board matter.<sup>2</sup>

Based on this evidence and considering the average of the building values per square foot (what they should be) based upon recent sales data, the appellants requested an improvement assessment of \$218,716 or \$51.09 per square foot of living area with a total assessment of \$309,225 which would reflect a market value of approximately \$931,962 or \$217.70 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$458,347. The subject property has an improvement assessment of \$367,838 or \$85.92 per square foot of living area. The subject's assessment also reflects a market value of \$1,381,395 or \$322.68 per square foot of living area, land included, when using

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<sup>1</sup> The appellants further reported that these comparables have improvement assessments ranging from \$200,693 to \$388,832 or from \$40.46 to \$83.91 per square foot of living area.

<sup>2</sup> After receipt of the board of review evidence, the data was forwarded to the appellants and the appellants timely submitted rebuttal evidence including discussing the four comparable properties presented by the board of review. This data will be analyzed in turn after outlining the board of review evidence.

the 2015 three year average median level of assessment for Lake County of 33.18% as determined by the Illinois Department of Revenue.

As part of its submission, besides its evidence, the board of review also proposed to reduce the subject's total assessment to \$381,617 which would reflect a market value of \$1,150,142 or \$268.66 per square foot of living area, including land. The proposed reduced improvement assessment was \$291,108 or \$68.00 per square foot of living area. The appellants were informed of this proposed assessment reduction and rejected the offer and requested a decision be made in the appellants' favor based upon their sales evidence.

As to the comparable data provided by the appellants, the board of review noted that several properties were located in the "Hybernia" subdivision. The board of review contends this is a "different neighborhood" that was built in the mid-1990's and represents a "cluster home" development with parcels that are significantly smaller than typical parcels in the subject's immediate market area. As to the comparable sales submitted by the appellants, the board of review noted that comparables #1 and #2 were built in 1950 and 1960, respectively, as compared to the subject that was built in 2001.

Furthermore, the board of review contends that appellants' comparable #2 was also built in 2001, is in the subject's market area and supports the subject's 2015 assessment.

In support of its contention of the correct assessment the board of review submitted information on seven comparables, four of which reflect sales data and each of which have equity data; board of review comparable #4 is the same property as appellants' sale #2. These seven comparables are located from .16 to 2.15-miles from the subject property and were reported by the board of review to all be located "in the subject's immediate market area." The comparables have been improved with three, one-story and four, two-story brick or wood siding homes. The homes were built between 1994 and 2007. The homes have from 2.5 to 5.1 bathrooms and range in size from 3,999 to 5,995 square feet of living area. Each home has a basement ranging in size from 1,894 to 5,739 square feet of building area, three of which have finished areas. Each home has central air conditioning, six of the homes each have a fireplace and each property has a garage ranging in size from 651 to 1,131 square feet of building area. Comparables #4 through #7 sold between July 2013 and November 2015 for prices ranging from \$950,000 to \$1,250,000 or from \$237.56 to \$262.80 per square foot of living area, including land. These seven comparables also have improvement assessments ranging from \$272,433 to \$478,203 or from \$62.26 to \$83.91 per square foot of living area.

As noted above, the board of review based on its evidence, offered to reduce the subject's assessment.

In written rebuttal, the appellants, in reliance upon a Multiple Listing Service (MLS) data sheet,<sup>3</sup> contend that their comparable sale #1 was built in 2001 whereas the board of review in reliance

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<sup>3</sup> Exhibit A-1 in the rebuttal is a printout of the data sheet which states in pertinent part: "The accuracy of all information, regardless of source, including but not limited to square footages and lot sizes, is deemed reliable but not guaranteed and should be personally verified through personal inspection by and/or with the appropriate professionals."

upon the property record card maintained by the assessing officials reports the home was built in 1950 and has an effective age of 1975, after being remodeled in 2001. A similar age dispute was raised by the appellants concerning their sale #3. Again, in reliance upon an MLS data sheet, the appellants note that while the home was built in 1960 and was recently rehabbed, it was described as a "stunning expansive ranch on lush property . . ." (Exhibit C-1) Whereas the assessing officials reported the home was built in 1960 and has an effective age of 1996 due to a recent remodel.

While the parties have one common comparable that was presented, the appellants contend that if the 2013 sale price of their sale #2 were to be divided by three for a resulting 2015 assessment, the resulting improvement assessment supports the contention of the appellants that the subject property is not properly assessed.

As to the comparables presented by the board of review, the appellants addressed each property. As to comparable #1, the appellants assert the home has similarities to the subject, but is "grander" with taller ceilings and more bathrooms along with finished basement area. Furthermore, the appellants contend the home is set back on a private street and lacks through traffic. Similarly, comparable #2 is on a quiet street with privacy and has a 19-foot great room ceiling. Comparable #3 has more bathrooms, a pool and is located on a private cul-de-sac. As to board of review comparable #4 which was also appellants' comparable #2, the appellants assert the home has 3.1 bathrooms as opposed to the board of review report of 2.5 bathrooms and the home also has a pool and a partially finished basement, neither of which were reported in the board of review's grid analysis. As to comparables #5, #6 and #7, the appellants contend that sales in 2015 cannot be used to determine a 2015 assessment (see 35 ILCS 200/1-55).<sup>4</sup>

### **Conclusion of Law**

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

The parties submitted a total of six comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellants' comparable #1 and board of review comparable #6 due to differences in dwelling sizes when compared to the subject dwelling.

The Board finds the best evidence of market value to be appellants' comparable sales #2 and #3 along with board of review comparable sales #4, #5 and #7, where one property was presented

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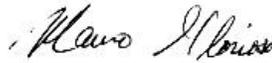
<sup>4</sup> The Property Tax Appeal Board takes notice that this statutory provision is not applicable. In this appeal, the determination is the correct assessment of the subject property based upon equity data and/or recent comparable sales. The statutory provision cited by the appellants is used as part of the mass appraisal system of developing assessments by assessing officials; not the appeal process of an individual property where both parties provide evidence to support their respective positions as outlined in the procedural rules of the Illinois Property Tax Appeal Board (see 86 Ill.Admin.Code §1910.65).

by both parties even though the date of sale 2013 is less probative of market value as of January 1, 2015. These four comparables have varying degrees of similarity to the subject dwelling in age, size, foundation and/or features. These most similar comparables sold between July 2013 and November 2015 for prices ranging from \$950,000 to \$1,300,000 or from \$237.56 to \$262.80 per square foot of living area, including land. The subject's 2015 assessment reflects a market value of \$1,381,395 or \$322.68 per square foot of living area, including land, which is above the range established by the best comparable sales in this record.

Additionally, the board of review proposed an assessment reduction as part of this appeal process which would result in an estimated market value of \$1,150,142 or \$268.66 per square foot of living area, including land, which on a square-foot-basis is also above the range of the best comparable sales in this record. The appellants rejected this offer and requested a decision on the evidence of record. After considering adjustments for age and amenities along with the differences in both parties' suggested comparables when compared to the subject property, the Property Tax Appeal Board finds a reduction in the subject's assessment greater than was proposed by the board of review is warranted.

The taxpayers also contend assessment inequity as a basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). After an analysis of the assessment data and considering the reduction in assessment for overvaluation, the Board finds that the subject property is equitably assessed and no further reduction in the subject's assessment is warranted on grounds of lack of uniformity.

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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



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: June 19, 2018



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

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