



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

APPELLANT: Daniel Graham
DOCKET NO.: 15-04173.001-R-1
PARCEL NO.: 11-20-305-013

The parties of record before the Property Tax Appeal Board are Daniel Graham, the appellant, by attorney Laura Godek of Laura Moore Godek, PC in McHenry; 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: \$78,482
IMPR.: \$228,118
TOTAL: \$306,600

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 is improved with a two-story dwelling of cedar and brick exterior construction with 4,947 square feet of living area. The dwelling was constructed in 1998 and is approximately 17 years old. Features of the home include a full basement that is finished, central air conditioning, two fireplaces and an attached four-car garage with 1,115 square feet of building area. The property has a 27,116 square foot site and is located in Libertyville, Libertyville 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, 2015 and information three comparable sales.

The appellant's appraisal was prepared by Jerzy Siudyla, a certified residential real estate appraiser. In estimating the market value of the subject property the appraiser developed the sales comparison approach to value using five comparable sales. The comparables were improved with two-story dwellings that ranged in size from 4,317 to 5,392 square feet of living area. The dwellings ranged in age from 13 to 28 years old. Each comparable has a basement that is finished, central air conditioning, one to three fireplaces and three-car or a four-car garage. Comparable sales #1 and #2 had in-ground swimming pools. The comparables have sites ranging in size from 22,342 to 38,768 square feet of land area. Each comparable was located in Libertyville from .06 of a mile to 1.45 miles from the subject property. The sales occurred from July 2013 to October 2014 for prices ranging from \$725,000 to \$1,220,000 or from \$167.94 to \$226.26 per square foot of living area, including land. The appraiser made adjustments to the comparables for differences from the subject to arrive at adjusted prices ranging from \$776,000 to \$1,132,500. The appraiser arrived at an estimated market value for the subject property of \$850,000.

The appellant also completed Section V of the appeal using three comparable sales. Comparable sales #1 and #2 were the same properties as appellant's appraisal comparable sales #2 and #4, respectively. The additional comparable sale was improved with a two-story dwelling of brick and cedar construction with 3,613 square feet of living area. The dwelling is approximately 30 years old. The dwelling has a full unfinished basement, central air conditioning, one fireplace and a four-car garage. This comparable has a 17,209 square foot site and is located .16 of a mile from the subject property. The sale occurred in November 2015 for a price of \$562,000 or \$155.55 per square foot of living area, including land.

Based on this evidence the appellant requested the subject's total assessment be reduced 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 property of \$306,600. The subject's assessment reflects a market value of \$924,051 or \$186.79 per square foot of living area, land included, when using 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 its contention of the correct assessment the board of review submitted information on five comparable sales with comparable sale #3 being the same property as appellant's appraisal comparable sale #3. The comparables were improved with two-story dwellings of brick exterior construction that range in size from 3,699 to 5,371 square feet of living area. The dwellings were constructed from 1994 to 2002. Each comparable is reported to have an unfinished basement, central air conditioning, one or two fireplaces and an attached garage ranging in size from 721 to 1,037 square feet of building area. Three comparables have in-ground swimming pools. These properties are located from .08 of a mile to 1.84 miles from the subject property and have sites ranging in size from 22,162 to 27,317 square feet of land area. The sales occurred from September 2014 to July 2015 for prices ranging from \$830,000 to \$1,400,000 or from \$199.45 to \$260.66 per square foot of building area, including land.

The board of review provided an aerial map of the subject property disclosing the subject backs to Canterbury Park.

The board of review requested the assessment be sustained.

In rebuttal the appellant's counsel asserted that board of review comparable #1 was 25% smaller in dwelling size than the subject dwelling, is of brick construction and has a finished basement not shown in the board of review analysis. Board of review comparable sale #2 was noted to be 20% smaller in dwelling size than the subject dwelling, has an in-ground swimming pool and has brick construction. Appellant's counsel asserted that board of review sale #4 was located in a different subdivision than the subject property, the property has an English basement, an in-ground swimming pool, a finished basement not shown in the board of review analysis and is of brick construction. Comparable sale #5 is located in a different subdivision than the subject property, the property has an English basement, an in-ground swimming pool, a pool house and a partially finished basement. To document the statements the appellant's counsel submitted copies of the Multiple Listing Service (MLS) listing sheets for board of review comparable sales #1, #2, #4 and #5.

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 record contains an appraisal provided by the appellant with five comparable sales, an additional comparable sale provided by appellant and four additional comparable sales provided by board of review. The Board gives less weight to appellant's comparable sale #3 contained on the grid analysis of the appeal form due to differences from the subject dwelling in size. The Board also gave less weight to appellant's appraisal sale #1 due to the transaction occurring in July 2013, not proximate in time to the assessment date. The Board gave less weight to board of review sales #1 and #2 due to differences from the subject dwelling in size. The remaining comparables were relatively similar to the subject dwelling in age, size and features with the exception three of the comparables have in-ground swimming pools. These properties were improved with dwellings that ranged in size from 4,387 to 5,392 square feet of living area. The sales occurred from August 2014 to November 2014 for prices ranging from \$725,000 to \$1,400,000 or from \$167.94 to \$260.66 per square foot of living area, including land. The common comparable submitted by the parties, appellant's appraisal comparable sale #3 and board of review sale #3, was 11% smaller than the subject dwelling and sold for a price of \$875,000 or \$199.45 per square foot of living area, including land. The subject's assessment reflects a market value of \$924,051 or \$186.79 per square foot of living area, including land, which is within the range established by the best comparable sales in the record. The subject's assessment reflects a market value below the common comparable submitted by the parties on a square foot basis. 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. Pursuant to Section 1910.50(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) 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



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: September 22, 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 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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Daniel Graham, by attorney:
Laura Godek
Laura Moore Godek, PC
913 North Curran Road
McHenry, IL 60050

COUNTY

Lake County Board of Review
18 North County Street
7th Floor
Waukegan, IL 60085