



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

APPELLANT: Joe Horaner
DOCKET NO.: 16-03990.001-R-1
PARCEL NO.: 16-29-110-051

The parties of record before the Property Tax Appeal Board are Joe Horaner, 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: \$55,991
IMPR.: \$172,813
TOTAL: \$228,804

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 2016 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 dwelling of brick exterior construction with 3,239 square feet of living area. The dwelling was constructed in 2001. Features of the home include an unfinished basement, central air conditioning, two fireplaces and a 744-square foot attached garage. The property has an 11,392-square foot site¹ 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 \$690,000 as of January 1, 2016. The appraisal was prepared by William P. Neberieza, a certified

¹ The parties report differences regarding lot size of 214 square feet.

residential real estate appraiser. In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value.

Under the sales comparison approach, the appraiser analyzed three comparable sales located from 1.26 to 1.48 miles from the subject property. The comparables consist of two-story dwellings that range in age from 9 to 23 years old. The dwellings had features with varying degrees of similarity when compared to the subject. The dwellings range in size from 3,228 to 3,850 square feet of living area and are situated on sites that range in size from 8,712 to 15,246 square feet of land area. The comparables sold from April 2015 to March 2016 for prices ranging from \$684,500 to \$725,000 or from \$177.79 to \$214.37 per square foot of living area including land. The appraiser made adjustments to each comparable for differences from the subject property to arrive at adjusted prices ranging from \$634,800 to \$692,000. The appellant requested the total assessment be reduced to \$229,977 which would reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's final assessment of \$297,985. The subject's assessment reflects an estimated market value of \$898,628 or \$277.44 per square foot of living area including land when applying Lake County's 2016 three-year average median level of assessment of 33.16% as determined by the Illinois Department of Revenue. 86 Ill.Admin.Code §1910.50(c)(1).

In support of the subject's assessment, the board of review submitted information on three comparable sales located within .60 of a mile from the subject property. The comparables consist of two-story dwellings that were built from 1999 to 2004. The dwellings had features with varying degrees of similarity when compared to the subject. The dwellings range in size from 2,779 to 3,591 square feet of living area and are situated on sites that range in size from 6,250 to 16,451 square feet of land area. The comparables sold from October 2015 to August 2016 for prices ranging from \$837,500 to \$980,000 or from \$269.72 to \$301.37 per square foot of living area including land. The board of review submission included property record cards for the subject and its three comparable sales.

The board of review submission also included a map and a memo asserting that the appellant's appraisal comparable sales #1 and #3 are located outside the market area when compared to the subject property. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant critiqued the board of review's submission.

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 evidence of market value to be the January 1, 2016 appraisal submitted by the appellant estimating the subject property had a market value of \$690,000. The appellant's appraiser developed the sales comparison approach to value. The comparable sales were adjusted for differences in size, location and other features when compared to the subject property.

The Board gave little weight to the board of review's comparable sales #1 and #3 due to their finished basements when compared to the subject's lack of basement finish. Furthermore, the Board gave little weight to the remaining board of review comparable sale since one unadjusted comparable sale in this record does not overcome the appellant's appraisal report.

In addition, as to the board of review's contention that location of the appellant's appraisal comparable sales should be considered in supporting the market value of the subject property, the Board finds the board of review failed to establish the actual impact, if any, upon market value with their evidentiary submission. The record contains no market evidence to support the board of review's claim regarding the location of the appellant's comparables.

The subject's assessment reflects a market value above the best evidence of market value in the record. Based on this evidence the Board finds the subject is overvalued and a reduction in the subject's assessment is justified. Since market value has been established, the three-year median level of assessments for Lake County for 2016 of 33.16% shall be applied.

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: September 18, 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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