



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

APPELLANT: Michael & Michelle Culver  
DOCKET NO.: 16-04976.001-R-2  
PARCEL NO.: 16-29-110-007

The parties of record before the Property Tax Appeal Board are Michael & Michelle Culver, the appellants, by Jessica Hill-Magiera, Attorney at Law in Lake Zurich; 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:** \$54,536  
**IMPR.:** \$268,374  
**TOTAL:** \$322,910

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 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 is improved with a two-story brick dwelling that was constructed in 2008 and contains 3,523 square feet of living area. Features of the home include a full basement with 1,612 square feet of finished area, central air conditioning, a fireplace and an 841 square foot garage.<sup>1</sup> The property has an 11,250 square foot site and is located in Deerfield, West Deerfield Township, Lake County.

The appellants contend overvaluation and assessment inequity as the bases of the appeal. In support of the overvaluation argument, appellants' attorney submitted limited information on eight comparable properties located within .60 miles of the subject property, all of which share

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<sup>1</sup> Some information about the subject property was supplemented by the grid analysis and property record card submitted by the board of review.

the same neighborhood code as the subject.<sup>2</sup> The comparables consist of two-story dwellings of brick or wood siding exterior construction that were constructed from 1999 to 2009 and range in size from 3,111 to 3,803 square feet of living area. Each comparable has a basement, four of which have 936 to 1,666 square feet of finished area, a fireplace, and a garage ranging in size from 440 to 846 square feet of building area. The sales occurred from January 2015 to July 2016 for prices ranging from \$631,500 to \$980,000 or from \$177.64 to \$272.90 per square foot of living area, land included. Based on these sales, the appellants' attorney indicated on the grid analysis that the subject's assessment should be reduced to \$262,199, reflecting a market value of \$786,676 or \$223.30 per square foot of living area, land included.

With respect to the assessment equity argument, the appellants provided limited information on 32 comparable properties improved with two-story dwellings that were constructed from 2003 to 2011 and range in size from 3,195 to 3,866 square feet of living area, each of which has a basement. No details were provided regarding the basement finishes, exterior finishes, or garage sizes of the dwellings or whether the dwellings featured central air conditioning and/or fireplaces. These properties are purportedly located in the same neighborhood as the subject property and have improvement assessments ranging from \$186,015 to \$289,696 or from \$48.92 to \$75.57 per square foot of living area. Based on this evidence, the appellants requested the subject's assessment be reduced to \$172,316 or \$48.91 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$343,890. The subject's assessment reflects a market value of \$1,037,063 or \$294.37 per square foot of living area, land included, when using the 2016 three-year average median level of assessment for Lake County of 33.16% as determined by the Illinois Department of Revenue. The subject property has an improvement assessment of \$289,354 or \$82.13 per square foot of living area.

In support of its contention of the correct assessment on market value grounds, the board of review submitted information on five comparable sales.<sup>3</sup> The comparables are located within .681 miles of the subject property and have the same neighborhood code as the subject. The dwellings were built from 2004 to 2015 and consist of two-story dwellings of brick or brick and wood siding exterior construction that range in size from 2,973 to 3,708 square feet of living area. Each comparable has a full basement, two of which have 1,480 or 1,500 square feet of finished area, central air conditioning, and a garage ranging in size from 434 to 807 square feet of building area. Four comparables each have one or two fireplaces. Comparable #8 has an inground swimming pool. The sales occurred from June 2014 to August 2015 for prices ranging from \$921,052 to \$1,107,500 or from \$294.81 to \$315.36 per square foot of living area, land included.

In support of the assessment equity argument, the board of review provided information on eight equity comparables. The dwellings are located within .681 miles of the subject property and have the same neighborhood code as the subject. The comparables are improved with two-story

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<sup>2</sup> Appellants' attorney did not provide any information regarding the lot sizes of the sales comparables or whether they feature central air conditioning.

<sup>3</sup> The board of review's grid analysis contained information on eight comparable properties. All eight comparables will be considered for the assessment equity argument but sale information was only provided for comparables #4 through #8.

dwelling of brick or brick and wood siding exterior construction that were built from 2004 to 2015 and range in size from 2,973 to 3,708 square feet of living area. Each comparable has a basement, five of which have 960 to 1,665 square feet of finished area, central air conditioning, and a garage ranging in size from 420 to 807 square feet of building area. Seven of the comparables have one or two fireplaces. Comparable #8 has an inground swimming pool. These properties have improvement assessments ranging from \$237,868 to \$297,870 or from \$76.57 to \$83.98 per square foot of living area.

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

Appellants' counsel submitted rebuttal comments arguing that the board of review failed to respond or object to appellants' comparables which should serve as an admission that appellants' sales and equity comparables are acceptable and should be considered in determining a fair market value. She further argued that only one of the board of review's sales comparables was acceptable and the best sales comparables in the record were board of review sales comparable #4 and appellants' comparables #2, #3, #6 and #8.

### **Conclusion of Law**

The appellants asserted in part that 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 13 sales comparables for the Board's consideration. The Board gave less weight to appellants' comparables #1, #4, #5 and #7, each of which has an unfinished basement, dissimilar to the subject. The Board also gave less weight to board of review comparables #5 through #8 as comparables #5, #6 and #8 have unfinished basements, dissimilar to the subject, and the 2014 sales of comparables #7 and #8 are somewhat dated in relation to the January 1, 2016 sale at issue.

The Board finds that appellants' comparables #2 #3, #6 and #8 and board of review comparable #4 were the best sales comparables submitted for the Board's consideration. These comparables were similar to the subject in location, design, age, size and most features, although all of appellants' comparables have wood-siding exteriors requiring an upward adjustment in comparison to the subject's brick exterior. These comparables sold from May 2015 to July 2016 for prices ranging from \$740,000 to \$980,000 or from \$216.12 to \$313.19 per square foot of living area, land included. The subject's 2016 assessment reflects a market value of \$1,037,063 or \$294.37 per square foot of living area, land included, which falls above the range established by the best comparable sales contained in the record on an overall basis. Although this falls within the range on a per square foot basis, after adjusting board of review comparable #4, which is at the high end of the range at \$313.19 per square foot, for its smaller dwelling size and after considering adjustments to the comparables for some differences when compared to the subject, the Property Tax Appeal Board finds that the subject's assessment is not justified and a reduction in the subject's assessment is warranted on the grounds of overvaluation.

The appellants also contend assessment inequity with respect to the improvement assessment as a basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments by clear and convincing evidence. 86 Ill.Admin.Code 1910.63(e). After an analysis of the assessment data, the Board finds that after having adjusted the subject's improvement assessment based on its market value, no further reduction based on assessment inequity is warranted on this record.

In conclusion, the Board finds that the appellants demonstrated overvaluation by a preponderance of the evidence. Therefore, the Board finds the subject property's assessment as established by the board of review is incorrect and a reduction is warranted on the grounds of overvaluation.

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 15, 2020



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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