



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

APPELLANT: Roberty McPhilimy
DOCKET NO.: 17-00986.001-R-1
PARCEL NO.: 16-08-102-006

The parties of record before the Property Tax Appeal Board are Roberty McPhilimy, the appellant, by attorney Ellen G. Berkshire, of Verros Berkshire, PC in Chicago, 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: \$168,694
IMPR.: \$156,542
TOTAL: \$325,236

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 2017 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 wood siding exterior construction with 3,509 square feet of living area. The dwelling was constructed in 1977. Features of the home include a partial unfinished basement, central air conditioning, two fireplaces and a 1,068 square foot garage. The property has a 54,886 square foot site and is located in Lake Forest, West Deerfield Township, Lake County.

The appellant contends assessment inequity as the basis of the appeal challenging the improvement assessment; no dispute was raised concerning the land assessment. In support of this inequity argument, the appellant submitted information on four comparables located within .6 of a mile from the subject property. The comparables consist of two-story dwellings of brick or wood siding exterior construction that were either 40 or 86 years old. The comparables range in size from 2,256 to 4,155 square feet of living area. Each comparable has a full unfinished

basement, central air conditioning and a garage ranging in size from 440 to 952 square feet of building area. Three of the comparables each have one or two fireplaces. The comparables have improvement assessments ranging from \$51,471 to \$181,351 or from \$22.36 to \$43.69 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment to \$36.57 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 \$325,236. The subject property has an improvement assessment of \$156,542 or \$44.61 per square foot of living area.

In support of its contention of the correct assessment, the board of review submitted information on four equity comparables where board of review comparable #4 was the same property as appellant's comparable #1. The comparables are located within .13 of a mile from the subject property and consist of two-story dwellings of brick exterior construction. The comparables were built in 1977 or 1979 and range in size from 3,222 to 3,801 square feet of living area. Each comparable has a full basement, one of which has finished area. The dwellings have central air conditioning, a fireplace and a garage ranging in size from 598 to 952 square feet of building area. The comparables have improvement assessments ranging from \$145,343 to \$165,420 or from \$43.52 or \$46.86 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The taxpayer contends assessment inequity as the 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). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties presented a total of seven equity comparables to support their respective positions before the Property Tax Appeal Board with one common property presented by both parties. The Board has given reduced weight to the appellant's comparables #2, #3 and #4 due to the differences in dwelling size of these homes as compared to the subject dwelling of 3,509 square feet of living area.

The Board finds the best evidence of assessment equity to be appellant's comparable #1 and the board of review comparables, with is one common property presented by both parties. These four comparables were similar to the subject in location, design, age, size and several features, although the subject has a garage that is larger than any of these otherwise most similar comparables in the record. These comparables had improvement assessments that ranged from \$145,343 to \$165,420 or from \$43.52 or \$46.86 per square foot of living area. The subject's improvement assessment of \$156,542 or \$44.61 per square foot of living area falls within the range established by the best comparables in this record and appears to be well-supported after giving due consideration for adjustments for differences in garage size, basement finish and/or

number of fireplaces. Based on this record the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the taxation burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity which appears to exist on the basis of the evidence. For the foregoing reasons, the Board finds that the appellant has not proven by clear and convincing evidence that the subject property is inequitably assessed. Therefore, the Property Tax Appeal Board finds that the subject's assessment as established by the board of review is correct and no reduction 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. 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: April 21, 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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