



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

APPELLANT: Joseph & Jeanne Luminiello
DOCKET NO.: 12-02373.001-R-1
PARCEL NO.: 13-10-201-007

The parties of record before the Property Tax Appeal Board are Joseph & Jeanne Luminiello, the appellants; and the Lake County Board of Review.

Based on the facts and exhibits presented, 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: \$46,947
IMPR: \$136,368
TOTAL: \$183,315

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 2012 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 frame construction with 3,124 square feet of living area. The dwelling was constructed in 1987. Features of the home include a basement that is partially finished, central air conditioning,

two fireplaces and an 864 square foot garage. The property has a 67,278 square foot site and is located in Tower Lakes, Cuba Township, Lake County.

The appellants contend the market value of the subject property is not accurately reflected in its assessed valuation. In support of this argument, the appellants submitted an appraisal of the subject property prepared by Alan Zielinski, a state licensed appraiser. The appraisal report conveys an estimated market value for the subject property of \$515,000 as of January 1, 2012. The appraiser developed the sales comparison approach in estimating the market value for the subject property.

Based on this evidence the appellants requested the subject's assessment be reduced to \$171,667.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's final assessment of \$183,315. The board of review asserted the subject property was an owner occupied dwelling that was the subject matter of an appeal before the Property Tax Appeal Board for the 2011 tax year under Docket Number 11-04519.001-R-1. In that appeal the Property Tax Appeal Board issued a decision reducing the subject's assessment to \$178,050. The board of review further explained that Cuba Township's general assessment period began in 2011 and runs through tax year 2014. It further indicated that in tax year 2012 a township equalization factor of 1.0517 was applied to all non-farm property within Cuba Township. The board of review explained that if the assessment for the 2011 tax year was calculated by applying the 2012 equalization factor to the Property Tax Appeal Board's assessment as determined for the 2011 tax year in accordance with section 16-185 of the Property Tax Code (35 ILCS 200/16-185) the subject's assessment would be increased to \$187,255. The board of review asserted the subject's assessment for the 2012 tax year was \$183,315, which is less than required by the application of section 16-185 of the Property Tax Code. The board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds a reduction in the subject's assessment is not justified.

Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

35 ILCS 200/16-185. The Board further finds that the subject property was the subject matter of an appeal for the 2011 tax year in which the Property Tax Appeal Board issued a decision reducing the subject's assessment to \$178,050. The record further disclosed the subject property is an owner occupied dwelling and the 2011 and 2012 tax years are in the same general assessment period. The record also disclosed that an equalization factor of 1.0517 was applied in Cuba Township in 2012. Furthermore, the decision of the Property Tax Appeal Board for the 2011 tax year was not reversed or modified upon review and there was no evidence the property sold establishing a different fair cash value. Applying section 16-185 of the Property Tax Code would result in an assessment of \$187,255, which is greater than the 2012 assessment of the subject property of \$183,315. After considering the requirements of section 16-185 of the Property Tax Code, the Property Tax Appeal Board finds that a reduction in the subject's assessment is not 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.

Chairman

K. L. Fen

Member

[Signature]

Member

Mark Albino

Member

Jerry White

Acting Member

DISSENTING: _____

C E R T I F I C A T I O N

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 26, 2015

[Signature]

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 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 the subsequent year 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.

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.