



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

APPELLANT: Brad Kupsche
DOCKET NO.: 12-02570.001-R-1
PARCEL NO.: 05-22-203-016

The parties of record before the Property Tax Appeal Board are Brad Kupsche, the appellant, by attorney Jerri K. Bush of Chicago, and the Lake County Board of Review.

Based on the facts and exhibits presented, 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: \$27,256
IMPR.: \$37,074
TOTAL: \$64,330

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 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 is improved with a two-story dwelling of wood siding exterior construction with 3,244 square feet of living area. The dwelling was constructed in 1999. Features of the home include an unfinished basement, central air conditioning, one fireplace and a 621 square foot attached garage. The property has a 40,438 square foot site and is located in Fox Lake, Grant Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on three comparable sales improved with a two-story dwelling and two part one-story and part two-story dwellings that range in size from 3,274 to 3,334 square feet of living area. Each comparable has a basement with one being finished, one fireplace and a garage with either 638 or 744 square feet of building area. The sales occurred from April 2011 to June 2011 for prices ranging from \$174,900 to \$198,000 or from \$52.46 to \$59.56 per square foot of living area, including land. Adjustments were made to the comparables for date of sale and differences from the subject to arrive at adjusted prices ranging from \$144,025 to \$198,491. The appellant requested the subject's assessment be reduced to \$49,802 to reflect a market value of \$149,420.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$85,344. The subject's assessment reflects a market value of \$260,831 or \$80.40 per square foot of living area, land included, when using the 2012 three year average median level of assessment for Lake County of 32.72% as determined by the Illinois Department of Revenue.

In rebuttal the board of review submitted a written statement from Martin P. Paulson, Clerk of the Board of Review, asserting there was no support for the adjustments to the comparable sales presented by the appellant and no evidence the adjustments were applied by a qualified state licensed appraiser. Paulson also asserted that two of the three sales provided by the appellant were foreclosures.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales improved with a 1-story dwelling and two 1.5-story dwellings that ranged in size from 2,292 to 2,632 square feet of living area. The dwellings were constructed from 1991 to 2003. Each comparable had a basement that was finished with a recreation room, central air conditioning, two or three fireplaces and one or two attached garages that range in size from 782 to 1,852 square feet of building area. The comparables sold in September 2008 and October 2012 for prices ranging from \$249,000 to \$435,000 or from \$94.60 to \$189.79 per square foot of living area, including land. The board of review requested confirmation of the subject's assessment.

In rebuttal the appellant's counsel pointed out that board of review sale #2 sold in 2008 and should be considered less indicative of market value as of January 1, 2012. Counsel also pointed out that board of review sale #3 was a one-story home with superior features such as three fireplaces and 1,852 square feet of garage area. She also noted that each of the comparables has a finished basement while the subject dwelling has an unfinished basement.

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 appellant's comparable sales. These comparables sold for prices ranging from \$174,900 to \$198,000 or from \$52.46 to \$59.56 per square foot of living area, including land. The subject's assessment reflects a market value of \$260,831 or \$80.40 per square foot of living area, including land, which is above the range established by the appellant's comparable sales.

Less weight was given the board of review comparables due to differences from the subject in size, features and/or style. The Board also gave little weight to board of review sale #2 due to the date of sale being September 2008, which is not proximate in time to the assessment date at issue.

The board of review asserted that two of the appellant's comparables were foreclosures. Section 1-23 of the Property Tax Code (hereinafter "the Code") defines compulsory sale as:

"Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of

foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete. 35 ILCS 200/1-23.

Section 16-183 of the Code provides that the Property Tax Appeal Board is to consider compulsory sales in determining the correct assessment of a property under appeal stating:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer. 35 ILCS 200/16-183.

Considering these statutes, the Property Tax Appeal Board finds it is appropriate to consider these sales in revising and correcting the assessment.

Based on this evidence the Board finds a reduction in the subject's assessment is 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.

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.