



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

APPELLANT: Fabian Marban
DOCKET NO.: 12-02599.001-R-1
PARCEL NO.: 16-15-204-017

The parties of record before the Property Tax Appeal Board are Fabian Marban, the appellant, by attorney Ray Carlson of Mundelein, 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: \$31,511
IMPR.: \$69,462
TOTAL: \$100,973

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 single family dwelling of wood siding exterior construction containing 2,063 square feet of living area. The dwelling was constructed in 1925. Features of the property include an unfinished basement and a detached garage with 440 square feet of building area. The property has a 9,000 square foot site and is located in Highwood, Moraine Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on four comparable sales improved with two 1.5-story dwellings, a 1.75-story dwelling and a 2-story dwelling that range in size from 1,747 to 2,096 square feet of living area. The dwellings were constructed from 1913 to 1950. Each comparable has a basement, three comparables have central air conditioning, two comparables have one or four fireplaces and two comparables have garages with 660 and 764 square feet of building area. The comparables sold from December 2010 to September 2011 for prices ranging from \$135,000 to \$165,000 or from \$67.33 to \$93.43 per square foot of living area, including land. The appellant submitted copies of the Multiple Listing Service (MLS) listings sheets for comparables #1, #2 and #4 to document the transactions. The listing for sale #1 indicated it was an estate sale being sold as is; sale #2 was described as needing some TLC and as an estate sale and #4 was described as being in pre-foreclosure. The appellant also provided a property sales history for comparable #3 which indicated the sale was a foreclosure. The appellant requested the subject's assessment be reduced to \$66,660.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$100,973. The subject's assessment reflects a market value of \$308,597 or \$149.59 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 that appellant's sale #1 sold "as is/estate sale; sale #2 needs TLC per the multiple listing data and sales #3 and #4 were foreclosures. The board of review did not believe these sales represented a reasonable value for the subject property as of the assessment date.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales improved with two 1.5-story dwellings and a 2-story dwelling that ranged in size from 1,632 to 1,849 square feet of living area. The comparables were constructed from 1923 to 1950. Each comparable has a basement with two being finished with a recreation room, two comparables have central air conditioning, two comparables each have one fireplace and two comparables have

an attached or detached garage with 528 and 440 square feet of building area. The comparables sold from April 2011 to January 2012 for prices ranging from \$245,000 to \$320,000 or from \$132.58 to \$173.07 per square foot of living area, including land. The board of review requested confirmation of the assessment.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the best evidence of market value to be the board of review comparable sales. These comparables sold for prices ranging from \$132.58 to \$173.07 per square foot of living area, including land. The subject's assessment reflects a market value of \$149.59 per square foot of living area, including land, which is within the range established by the board of review comparable sales on a square foot basis. Less weight was given the appellant's comparables due to such factors as condition issues and the fact that two comparables were foreclosure sales calling into question whether the transactions were truly reflective of fair cash value. Based on this evidence the Board finds a reduction in the subject's assessment is not 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



Member



Member



Member



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



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.