



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

APPELLANT: Craig Cymerman
DOCKET NO.: 13-00716.001-R-1
PARCEL NO.: 05-27-408-024

The parties of record before the Property Tax Appeal Board are Craig Cymerman, the appellant, 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: \$9,296
IMPR.: \$41,683
TOTAL: \$50,979

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 2013 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 part one-story and part two-story dwelling of frame construction with 1,772 square feet of living area. The dwelling was constructed in 2006. Features of the home include an unfinished basement, central air conditioning and a 413 square foot garage. The property has a

5,998 square foot site and is located in Volo, 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 located in the subject's subdivision. The comparables consist of a part one-story and part two-story and two, two-story frame dwellings that were built in 2006 or 2009. The homes each contain 1,772 square feet of living area with unfinished basements, central air conditioning and 413 square foot garages.

Based on this evidence, the appellant requested a total assessment of \$40,829 which would reflect a market value of approximately \$122,487 or \$69.12 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$50,979. The subject's assessment reflects a market value of \$153,366 or \$86.55 per square foot of living area, land included, when using the 2013 three year average median level of assessment for Lake County of 33.24% as determined by the Illinois Department of Revenue.

In rebuttal, the board of review submitted a letter from Martin P. Paulson, Clerk of the Lake County Board of Review, asserting that the appellant's comparable sales were foreclosures and comparables #1 and #2 have smaller basements than the subject dwelling.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales where board of review comparable #4 is the same property as appellant's comparable #2 although the board of review reported a sale of this property in July 2013 for \$175,000 as compared the appellant's reported sale in November 2012 for \$61,650.

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

As to the appellant's presentation of foreclosure sales, the Property Tax Appeal Board finds that Public Act 96-1083 amended the Property Tax Code adding sections 1-23 and 16-183 (35 ILCS 200/1-23 & 16-183), effective July 16, 2010.

Section 1-23 of the Property Tax Code provides:

Compulsory sale. "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.

Section 16-183 provides:

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.

The Board finds the effective date of these statutes is applicable to the assessment date at issue, January 1, 2013.

Therefore, the Board finds the best evidence of market value to be the comparables presented by both parties in this matter. These similar comparables sold on seven different dates between August 2012 and December 2013, which brackets the assessment date of January 1, 2013, for prices ranging from \$61,650 to \$175,000 or from \$34.79 to \$98.76 per square foot of living area, including land. The lowest sale price was the property that was re-sold eight months after its purchase in November 2012 with the re-sale price presented as board of review comparable #4, the highest sale price in the record. The subject's assessment reflects a market value of \$153,366 or \$86.55 per square foot of living area, including land, which is

within the range established by the comparable sales in this record and appears to be well-justified by appellant's comparables #1 and #3 along with board of review comparables #1 and #2 which properties sold for prices ranging from \$80.14 to \$88.21 per square foot of living area, including land.

In conclusion, 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.

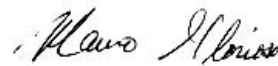
Chairman



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: September 18, 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.