



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

APPELLANT: Karen Walsh  
DOCKET NO.: 13-01293.001-R-1  
PARCEL NO.: 11-30-324-029

The parties of record before the Property Tax Appeal Board are Karen Walsh, the appellant, 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:** \$10,843  
**IMPR.:** \$16,157  
**TOTAL:** \$27,000

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) contesting 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 is improved with a one-story dwelling of frame construction with 1,073 square feet of living area. The dwelling was constructed in 1955. Features of the property include crawl space foundation and a one-car detached garage with 308 square feet of building area. The property has an 8,034 square foot site and is located in Mundelein, Libertyville 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 one-story dwellings of frame construction each with 1,073 square feet of living area. The dwellings were constructed in 1950 and 1955. Each comparable had central air conditioning and a two-car garage ranging in size from 440 to 484 square feet of building area. The comparables sold from November 2011 to January 2013 for prices ranging from \$39,000 to \$76,000 or from \$36.35 to \$70.83 per square foot of living area, including land. Based on this evidence the appellant requested the subject's assessment be reduced to \$19,086 to reflect a market value of approximately \$57,264 using the statutory level of assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$34,835. The subject's assessment reflects a market value of \$104,798 or \$97.67 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 statement prepared by Martin P. Paulson, Clerk of the Board of Review, asserting that appellant's comparable sale #1 was a H.U.D. foreclosure sale, sale #2 was a F.N.M.A. foreclosure sale, and sale #3 was located on a "feeder street" and was a handyman special, sold in "as is" condition according to the multiple listing service (MLS).

In support of its contention of the correct assessment the board of review submitted information on five comparable sales improved with one-story dwellings of frame construction each with 1,073 square feet of living area. The dwellings were constructed in 1950 and 1955. Three comparables had central air conditioning and four comparables had detached garages ranging in size from 380 to 560 square feet of building area. The board of review reported the sales as occurring from June 2012 to December 2013 for prices ranging from \$99,900 to \$127,000 or from \$93.10 to \$118.36 per square foot of living area, including land.

The board of review submitted copies of the MLS listing sheets for each of these sales. Comparable #1 was described as having a remodeled kitchen and bathroom as well as a newer furnace and air conditioning. Comparable sale #2 was described as being nicely updated with newer windows, appliances, laminate floor

and bathroom. Comparable #3 was described as having a remodeled bathroom, new furnace and new central air conditioning and a roof that was 1 year old. Comparable #4 was described in part as having new flooring throughout, freshly painted, newer stainless steel appliances, new countertops and roof. The data provided by the board of review including a prior MLS listing for comparable #5 disclosing it previously sold in January 2013 for a price of \$80,000 and sold again in September 2013 for a price of \$119,900 after being rehabbed resulting in the dwelling being described as a "like new" home.

In rebuttal the appellant compared the taxes paid on the comparables with taxes paid on the subject property and pointed out differences in the properties. The appellant also asserted that the three comparables she submitted were valid at the time of the appeal as they reflected the market at that time, which was 40% - 50% foreclosures.

#### 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 evidence in the record supports a reduction in the subject's assessment.

The record contains information on eight sales submitted by the parties to support their respective positions. The comparables were similar to the subject in style, age and size. The comparables were also similar to the subject in features with the exception the appellant's comparables and board of review comparables #1, #3 and #4 have central air conditioning, while the subject has no central air conditioning. Furthermore, all the comparables but board of review comparable #3, which had a carport, had a larger garage than the subject property.

The record indicated that appellant's comparable sales #1 and #2 were foreclosures and board of review comparable #5 when it sold in January 2013 was a short sale. Section 1-23 of 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.

Based on these statutes, the Property Tax Appeal Board finds it is appropriate to consider these sales in revising and correcting the subject's assessment.

Of the five sales used by the board of review, each appeared to be superior to the subject property in condition based on the statements in the MLS listings. Furthermore, board of review sales #4 and #5 sold in December 2013 and September 2013, respectively, significantly after the assessment date, which further detracts from the weight that can be given these two sales. Less weight was given appellant's sale number 3 because it sold in November 2011, not proximate in time to the assessment date at issue.

The Board finds the appellant's comparable sales #1 and #2 and board of review sales #1 through #3 as well as board of review sale #5 when it sold in January 2013 are to be given most weight. These sales occurred from June 2012 to January 2013 for prices ranging from \$56,792 to \$108,000 or from \$52.93 to \$100.65 per square foot of living area, including land. Only one comparable, board of review sale #3, sold for a price greater than the market value reflected by the subject's assessment and this comparable was superior to the subject with central air conditioning. The listing for this property also indicated the comparable had a remodeled bathroom, new furnace, new central air conditioning and a roof that was 1 year old. These features would make the comparable superior to the subject dwelling. The remaining comparables had prices ranging from

\$52.93 to \$93.20 per square foot of living area, including land. The subject's assessment reflects a market value of \$97.67 per square foot of living area, land included, which is above the range established by the remaining comparables. Based on this record and after considering the differences from the subject property, 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.

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Chairman



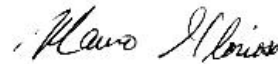
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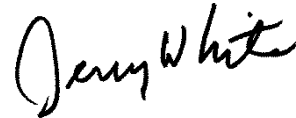
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DISSENTING: \_\_\_\_\_

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: November 20, 2015



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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.