



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

APPELLANT: Berg Holdings, Inc.  
DOCKET NO.: 13-01551.001-R-1  
PARCEL NO.: 08-05-405-033

The parties of record before the Property Tax Appeal Board are Berg Holdings, Inc., the appellant, by attorney Jeffrey Frost, of Frost Law Firm, P.C. in Chicago, 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:** \$7,883  
**IMPR.:** \$5,449  
**TOTAL:** \$13,332

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 one-story dwelling of frame construction with 864 square feet of living area. The dwelling was constructed in 1956. Features of the home include a full unfinished basement. The property has an 8,951 square foot site and is located in Waukegan, Waukegan Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$30,000 as of January 1, 2013. The appraiser utilized the sales comparison approach to value to arrive at his conclusion based upon analysis of three comparable sales located within 1.29-miles of the subject property.

As part of the report, the appraiser acknowledged that the subject property was purchased in September 2011 for \$28,000. The appraiser reported the subject to be in overall fair condition at the time of purchase "with deferred maintenance and updating needed as of the effective date of this appraisal January 1, 2013."

The comparables consist of one-story dwellings of 58 or 59 years old. The homes contain either 768 or 864 square feet of living area and feature full basements, one of which is finished. Two of the comparables have central air conditioning and a two-car garage. The properties sold between October 2011 and August 2012 for prices ranging from \$33,100 to \$42,000 or from \$38.31 to \$49.48 per square foot of living area, including land.

The appraiser made adjustments to the comparables for differences in condition, bedroom count, central air and/or garage amenity resulting in adjusted sales prices ranging from \$25,600 to \$31,000.

Based on this evidence, the appellant requested a total assessment of \$9,333 which would reflect a market value of approximately \$28,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$13,332. The subject's assessment reflects a market value of \$40,108 or \$46.42 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 support of its contention of the correct assessment the board of review submitted a letter concerning the appeal along with information on four comparable sales. In the letter, the board of review noted that the appraiser utilized two sales located more than a mile from the subject property. Additionally sales were analyzed that occurred in 2011 and adjustments for condition were made to comparables #2 and #3 with no interior

photographs of the subject or discussion in the appraisal report indicating what repairs were needed.

In the grid analysis, the board of review submitted data concerning properties that were located within .27 of a mile from the subject. The comparables consist of one-story frame dwellings that were built between 1952 and 1956. The homes each contain 864 square feet of living area with full unfinished basements. One comparable has central air conditioning and three have a garage ranging in size from 396 to 624 square feet of building area. These properties sold between April 2012 and January 2013 for prices ranging from \$40,200 to \$52,500 or from \$46.53 to \$60.76 per square foot of living area, including land.

Based on this evidence, 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.

The Property Tax Appeal Board has given little weight to the value conclusion contained in the appellant's appraisal report. The appraiser analyzed two comparable properties that were distant from the subject property with sales that were also remote in time to the valuation date at issue of January 1, 2013. Additionally, two of the comparables were substantially adjusted downward for "condition" with no explanation as to why the comparables were deemed to be in superior condition when compared to the subject.

The Board finds the best evidence of market value to be the board of review comparable sales in the record which are more proximate in location to the subject property and which sales occurred more proximate in time to the valuation date at issue of January 1, 2013. With the exception of differences in garage amenity and bathroom count, the comparables presented by the board of review are highly similar to the subject in design,

exterior construction, size, basement and lack of basement finish. The board of review comparable sales sold between April 2012 and January 2013 for prices ranging from \$40,200 to \$52,500 or from \$46.53 to \$60.76 per square foot of living area, including land.

The subject's assessment reflects a market value of \$40,108 or \$46.42 per square foot of living area, including land, which is slightly below the range established by the best comparable sales in the record. Based on this evidence the Board finds the appellant failed to establish by a preponderance of the evidence that the subject property is overvalued. The Board finds that a reduction in the subject's assessment is not justified on this record.

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

*K. L. Fan*

*Mario Alvarez*

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Member

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Member

*JR*

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Member

\_\_\_\_\_  
Acting Member

*Robert Hoffmann*

\_\_\_\_\_  
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: February 19, 2016

*A. Proctor*

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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.