



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

APPELLANT: Peter & Arlene Jakstas, Sr.
DOCKET NO.: 13-01753.001-R-1
PARCEL NO.: 05-10-405-017

The parties of record before the Property Tax Appeal Board are Peter & Arlene Jakstas, Sr., the appellants, by attorney Jerri K. Bush 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: \$14,300
IMPR.: \$14,257
TOTAL: \$28,557

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 is improved with a one-story dwelling of frame construction with 952 square feet of living area. The dwelling was constructed in 1950. Features of the property included a crawl space foundation and a detached garage with 576 square feet of building area. The property has a 13,192 square foot site and is located in Fox Lake, Grant Township, Lake County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted a property tax analysis using five comparable sales improved with one-story dwellings that range in size from 784 to 1,183 square feet of living area. The dwellings were constructed from 1940 to 1984. Three comparables had basements, three comparables had central air conditioning, one comparable had a fireplace and two comparables had garages. The comparables sold from June 2012 to February 2013 for prices ranging from \$25,000 to \$54,000 or from \$26.71 to \$62.50 per square foot of living area. The appellants' grid analysis included adjustments to the comparables to arrive at an estimated market value of \$44,734. The appellants requested the subject's assessment be reduced to \$14,910.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$28,557. The subject's assessment reflects a market value of \$85,912 or \$90.24 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 information on four comparable sales improved with one-story dwellings of frame construction that ranged in size from 684 to 988 square feet of living area. The dwellings were constructed from 1940 to 1990. One comparable had a basement, two comparables had central air conditioning and three comparables had garages ranging in size from 242 to 672 square feet of building area. The sales occurred from June 2011 to November 2013 for prices ranging from \$73,000 to \$89,900 or from \$74.19 to \$124.27 per square foot of living area, including land.

In rebuttal the board of review argued the adjustments in the appellants' analysis should not be given any weight, the adjustments were inconsistent on a square foot basis and there was no evidence the adjustments were made by a qualified licensed individual. It further noted that a majority of the appellants' comparables were bank owned/REO or estate sales in substandard condition. The board of review stated that appellants' sale #2 was gutted to the studs after the sale according to the township assessor. The board of review also submitted copies of the Multiple Listing Service (MLS) listing sheets associated with the appellants' comparable sales.

The appellants' counsel submitted a rebuttal statement asserting in part that sections 16-55(b) and 16-183 of the Property Tax Code provide that the board of review and the Property Tax Appeal Board shall consider compulsory sales in revising and correcting assessments. The appellants' counsel also asserted that the statement from the township assessor regarding the gutting of comparable sale #2 was hearsay. Furthermore, the appellants' attorney argued that board of review sale #2 sold in 2011 and board of review sale #4 was superior to the subject in age being constructed in 1990.

Conclusion of Law

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

The record contains information on nine comparable sales presented by parties. The Board gives less weight to appellants' sales #2 through #5 as the MLS listing sheets for these comparables indicated each comparable had condition issues and/or were subject to foreclosure or a short sale. The Board gave less weight to board of review sale #2 as this property sold in 2011, not proximate in time to the assessment date. The Board gave less weight to board of review sale #4 as the dwelling was constructed in 1990, which is significantly newer than the subject dwelling. The remaining three sales sold from September 2012 to August 2013 for prices ranging from \$32,000 to \$78,000 or from \$30.74 to \$111.43 per square foot of living area, including land. The subject's assessment reflects a market value of \$85,912 or \$90.24 per square foot of living area, including land, which is within the range established by the best comparables in this record on a square foot basis. 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

K. L. Fan

Mario Alvino

Member

Member

JR

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

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.