



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

APPELLANT: Jon K. Zemanek
DOCKET NO.: 13-01759.001-R-1
PARCEL NO.: 02-34-104-001

The parties of record before the Property Tax Appeal Board are Jon K. Zemanek, the appellant, by Jerri K. Bush, Attorney at Law, in Chicago; 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: \$ 4,802
IMPR.: \$ 6,728
TOTAL: \$11,530

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 frame dwelling that has 752 square feet of living area. The dwelling was constructed in 1935. Features include a crawl space foundation and a fireplace. The subject has a 7,055 square foot site. The

subject property is located in Lake Villa Township, Lake County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a limited "Property Tax Analysis" of four comparable sales. The analysis was dated March 9, 2014. Neither the name nor the professional credentials of the person(s) who prepared the report was disclosed. The comparables are located from .17 to .63 of a mile from the subject, but two comparables are not located in the subject's neighborhood. The comparables had varying degrees of similarity when compared to the subject in design, dwelling size, age and features. The comparables sold from February 2012 to April 2013 for prices ranging from \$21,000 to \$37,000 or from \$27.49 to \$44.47 per square foot of living area including land. The analysis included "Property Equalization Values" (adjustments) to the comparables for sale date, land¹, quality grade, age, square footage, basements, bath & fixtures, fireplaces and air conditioning. Based on the Property Equalization Values, the analysis conveys a value estimate for the subject property of \$23,612 or a total assessment of \$7,870. No explanation pertaining to the calculation of the adjustment amounts was provided. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$13,999. The subject's assessment reflects an estimated market value of \$42,115 or \$56.00 per square foot of living area including land when applying the 2013 three-year average median level of assessment for Lake County of 33.24%. In support of the subject's assessment, the board of review submitted an analysis of four comparable sales and a letter addressing the appeal.

With respect to the evidence submitted by the appellant, the board of review argued that the adjustments in the appellant's grid should be given no weight because they lacked support and there was no evidence they were applied by a qualified licensed individual such as a state licensed appraiser.

The comparable sales submitted by the board of review are located from .17 of a mile to 1.16 miles from the subject. The comparables had varying degrees of similarity when compared to

¹ The appellants failed to disclose the land sizes for the subject and comparables.

the subject in land area, design, dwelling size, age and features. The comparables sold from April 2011 to June 2013 for prices ranging from \$59,000 to \$80,000 or from \$70.12 to \$98.89 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Under rebuttal, appellant's counsel argued comparable #1 has an effective age of 1970 as detailed on its property record card and is located in a different neighborhood; comparable #2 has a larger site and has a basement, superior to the subject; comparable #3 sold in 2011, is located on a lake channel, and is located in a different neighborhood; and comparable #4 is located over one mile from the subject in a different city, is newer in age and has superior amenities.

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 met this burden of proof.

The parties submitted eight comparable sales for the Board's consideration. The Board gave less weight to the comparables submitted by the board of review. Three comparables are not located in the subject's neighborhood and all the comparables have garages, superior to the subject. Additionally, comparable #3 sold in 2011, which is dated and a less reliable indicator of market value as of the subject's January 1, 2013 assessment date. Comparable #1 has a newer effective age when compared to the subject. The Board also gave less weight to comparables #3 and #4 submitted by the appellant because they are located in a different neighborhood than the subject. The Board finds comparables #1 and #2 submitted by the appellant were more similar when compared to the subject in location, age, size, design, and most features. They sold for prices of \$28,000 and \$37,000 or \$33.29 and \$44.47 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$42,115 or \$56.00 per square foot of living area including land, which is greater than the two most similar comparable sales contained in this record. The Board finds that a preponderance of the most credible market value evidence

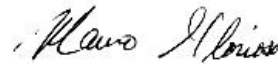
contained in this record demonstrates the subject's assessed value is excessive. Therefore, the Board finds a reduction in the subject's assessment is warranted.

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



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



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.