



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

APPELLANT: Bassem Kardoush
DOCKET NO.: 13-01766.001-R-1
PARCEL NO.: 07-26-417-108

The parties of record before the Property Tax Appeal Board are Bassem Kardoush, the appellant, 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: \$6,366
IMPR.: \$37,630
TOTAL: \$43,996

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 two-story residential condominium unit of frame construction with 1,380 square feet of living area. The dwelling was constructed in 1997. Features of the condominium include a basement with 184 square feet of finished living area, central air conditioning and an attached garage with 400 square feet of building area. The property is located in Waukegan, Warren Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on six comparable sales improved with two-story dwellings ranged in size from 1,084 to 1,374 square feet of living area. The dwellings were constructed in 1997 and 2001. Each comparable had a basement with one being finished, each comparable had central air conditioning and two comparables were described as having garages each with 420 square feet of building area. The sales occurred from June 2012 to December 2013 for prices ranging from \$65,000 to \$105,000 or from \$58.59 to \$76.42 per square foot of living area. The analysis provided by the appellant included adjustments to the comparables for differences from the subject property. Based on this evidence the appellant requested the subject's assessment be reduced to \$33,565.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$43,996. The subject's assessment reflects a market value of \$132,359 or \$95.91 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 three comparable sales improved with two-story residential condominiums each with 1,280 square feet of living area. The comparables were constructed in 1997. Two comparables had basements with one being finished, each comparable had central air conditioning and each comparable had a 400 square foot garage. The sales occurred from May 2012 to November 2013 for prices ranging from \$119,500 to \$127,000 or from \$93.66 to \$99.22 per square foot of living area.

In rebuttal the board of review asserted that appellant's comparable sales #1 and #3 were foreclosures; appellant's comparables #2, #4 and #6 were short sales and sold "as is"; and appellant's comparable sales #5 and #6 are located in a different development adjacent to I-294.

The board of review requested the assessment be confirmed.

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 record contains nine comparable sales submitted by the parties to support their respective positions. The Board gave less weight to appellant's comparables #5 and #6 due to the fact these comparables were located in a different development than the subject property. The remaining seven comparables are located near the subject property and had varying degrees of similarity to the subject property. The board of review asserted that appellant's comparables #1 through #4 were either foreclosures or short sales. 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.

Appellant's comparables #1 through #4 and the board of review comparables sold from June 2012 to December 2013 for prices

ranging from \$65,000 to \$127,000 or from \$58.59 to \$99.22 per square foot of living area. The subject's assessment reflects a market value of \$132,359 or \$95.91 per square foot of living area, including land, which is within the range established by the best comparable sales in this record on a square foot basis. The subject's greater overall market value is justified due to its larger size in relation to the best comparables in this record. 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 Alvarez

Member

Member

JR

Member

Acting Member

Robert Steffen

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.