



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

APPELLANT: Rollie Cave
DOCKET NO.: 13-01767.001-R-1
PARCEL NO.: 07-35-104-009

The parties of record before the Property Tax Appeal Board are Rollie Cave, 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: \$16,069
IMPR.: \$56,770
TOTAL: \$72,839

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 dwelling of frame construction with 2,287 square feet of living area. The dwelling was constructed in 1997. Features of the home include a basement, central air conditioning, one fireplace and a 460 square foot attached garage. The property has a 9,613 square foot site and 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 that ranged in size from 2,097 to 2,471 square feet of living area and were constructed from 1994 to 1999. Each comparable has a basement with one being finished, each comparable had central air conditioning, four comparables each had one fireplace and each comparable had a garage ranging in size from 400 to 460 square feet of building area. The sales occurred from June 2011 to February 2013 for prices ranging from \$150,000 to \$195,000 or from \$63.54 to \$83.33 per square foot of living area, including land. 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 \$63,245.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject property of \$72,839. The subject's assessment reflects a market value of \$219,131 or \$95.82 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 dwellings of wood siding exterior construction that ranged in size from 2,048 to 2,464 square feet of living area and were built 1998. The comparables were located from .044 to .363 miles from the subject property. Each comparable had a basement that is partially finished, central air conditioning, one fireplace and a garage ranging in size from 400 to 691 square feet of building area. The sales occurred from December 2011 to June 2012 for prices ranging from \$205,000 to \$244,000 or from \$93.34 to \$106.69 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 as there was no support for the adjustments and there was no evidence the adjustments were made by a qualified licensed individual. It further noted that appellants' comparable sales #1, #3, #4 and #6 were either a short sale or a foreclosure. The board of review also asserted that five of the six sales were located in different neighborhoods than the subject property. The board of review also submitted copies of the Multiple Listing Service

(MLS) listing sheets for appellant's comparables #1, #3 and #6, which indicated that comparable #1 was being sold "as is"; comparable #3 was a short sale; and comparable #6 was a short sale. The board of review also provided a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with appellant's sale #2 stating the property had not been advertised for sale and was a court ordered sale that occurred at auction with the seller identified as the Lake County Sheriff's Office.

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.

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 of review asserted that appellant's comparables #1, #3, #4 and #6 were either a foreclosure or 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. Nevertheless, the fact that these comparables were short sales or foreclosures calls into question whether these properties are truly representative of the fair cash value of the subject property. Furthermore, a copy of the transfer declaration provided by the board of review disclosed that appellant's comparable #2 had not been advertised for sale and was a court ordered sale that occurred at auction with the seller identified as the Lake County Sheriff's Office. The Board finds these facts call into question whether this property is truly representative of the fair cash value of the subject property.

Based on this record the Board gives more weight to the comparable sales provided by the board of review. These comparables had varying degrees of similarity to the subject property. The board of review comparables sold for prices ranging from \$205,000 to \$244,000 or from \$93.34 to \$106.69 per square foot of living area, including land. The subject's assessment reflects a market value of \$219,131 or \$95.82 per square foot of living area, including land, which is within the range established by the best comparable sales 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 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.