



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

APPELLANT: Joseph & Denise Kraklau
DOCKET NO.: 13-01792.001-R-1
PARCEL NO.: 06-17-433-002

The parties of record before the Property Tax Appeal Board are Joseph & Denise Kraklau, the appellants, 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 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: \$ 4,743
IMPR.: \$ 26,803
TOTAL: \$ 31,546

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 consists of a tri-level style frame dwelling that has 912 square feet of above grade living area. The dwelling was constructed in 1973. Features include a finished lower level and a 484 square foot garage. The subject has a 4,800 square foot site. The subject property is located in Avon Township, Lake County, Illinois.

The appellants submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellants submitted a "Property

Tax Analysis" of eight comparable sales 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 .15 to .95 of a mile from the subject property. The comparables had varying degrees of similarity when compared to the subject in design, size, age and features. The comparables sold from January 2012 to February 2013 for prices ranging from \$30,000 to \$57,000 or from \$32.43 to \$62.50 per square foot of living area including land. The analysis included "Property Equalization Values" (adjustments) to the comparables for sale date, land¹, age, square footage, lower level area, bath & fixtures, fireplaces, central air conditioning, and garage area. Based on the Property Equalization Values, the analysis conveys a value estimate for the subject property of \$28,851 or a total assessment of \$9,616. No explanation pertaining to the calculation of the adjustment amounts was provided. Based on this evidence, the appellants 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 \$31,546. The subject's assessment reflects an estimated market value of \$94,904 or \$104.06 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.

The comparable sales submitted by the board of review are located from .20 to .85 of a mile from the subject. The comparables had varying degrees of similarity when compared to the subject in land area, design, age, size and features. The comparables sold from February 2012 to October 2013 for prices ranging from \$90,000 to \$112,200 or from \$97.30 to \$123.03 per square foot of living area including land.

With respect to the evidence submitted by the appellants, the board of review argued that the adjustments in the appellants' grid should be given no weight because they lacked support and there was no evidence they were applied by a qualified individual such as a licensed appraiser. The board of review argued comparables #1, #3, #4, #5 and #7 were bank foreclosure sales; comparable #2 sold in "as is" condition; comparable #6 was a short sale; and comparable #8 was a sale between related parties according to the Real Estate Transfer Declaration.

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

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

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 failed to meet this burden of proof.

The parties submitted 12 comparable sales for the Board's consideration. The Board gave less weight to comparable #8 submitted by the appellant. The Real Estate Transfer Declaration shows the sale was between related parties, which is not an arm's-length transaction. The Board finds the remaining 11 comparables were more similar when compared to the subject in location, age, size, design and most features. They sold for prices ranging from \$30,000 to \$112,200 or from \$32.43 to \$123.03 per square foot of living area including land. The Board finds the comparables that sold at the lower end of the range were foreclosure or short sales. The subject's assessment reflects an estimated market value of \$94,904 or \$104.06 per square foot of living area including land, which falls within the range of the most similar comparable sales contained in the record. Therefore, the Board finds no 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



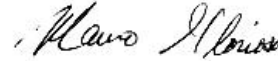
Member



Member



Member



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: March 18, 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.