



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

APPELLANT: Joseph Carrao  
DOCKET NO.: 13-01916.001-R-1  
PARCEL NO.: 05-23-109-001

The parties of record before the Property Tax Appeal Board are Joseph Carrao, the appellant, by attorney Edward C. Abderholden of Abderholden Law Offices, PC, 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:** \$ 5,903  
**IMPR.:** \$ 17,810  
**TOTAL:** \$ 23,713

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 868 square feet of living area. The dwelling was constructed in 1951. The dwelling features a partial unfinished walkout basement and a 352 square foot attached garage. The subject property has an 8,050 square foot site. The subject property is located in Grant 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 five comparable

sales located from .10 to .16 of a mile from the subject. The comparables had varying degrees of similarity when compared to the subject in land area, design, dwelling size, age and features. The comparables sold from July 2011 to October 2012 for prices ranging from \$52,305 to \$84,700 or from \$42.97 to \$63.97 per square foot of living area including land. 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 \$23,713. The subject's assessment reflects an estimated market value of \$71,146 or \$81.96 per square foot of living area including land when applying the statutory level of assessments of 33.33%. In support of the subject's assessment, the board of review submitted letter addressing the appeal, four comparable sales and documentation pertaining to the sale of the subject property.

The comparable sales are located from .06 of a mile to 1.72 miles from the subject. The comparables had varying degrees of similarity when compared to the subject in land area, design, dwelling size, age and features. The comparables sold from July 2011 to November 2014 for prices ranging from \$73,000 to \$105,500 or from \$63.97 to \$122.11 per square foot of living area including land.

The board of review submitted a Real Estate Transfer Declaration and Multiple Listing Service sheets associated with the sale of the subject property. The subject property sold in July 2013 for \$80,000. The Real Estate Transfer Declaration depicts the subject property was advertised for sale and the parties were not related. The Multiple Listing Service sheets indicate the home "has been completely redone with all the best materials." The board of review pointed out the subject's sale included two parcels with a combined assessment of \$26,664, which reflects a market value of \$80,000 or \$92.17 per square foot of living area including land<sup>1</sup>. Based on this evidence, the board of review requested confirmation of the subject's assessment.

#### **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.

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<sup>1</sup> The appellant did not appeal the assessment associated with the second parcel (05-23-100-014), which contains 4,025 square feet of land area with an assessment of \$2,951.

The Illinois Supreme Court has defined fair cash value as what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d. 428, (1970). A contemporaneous sale of property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be **practically conclusive on the issue of whether an assessment is reflective of market value.** (Emphasis Added) Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369 (1<sup>st</sup> Dist. 1983), People ex rel. Munson v. Morningside Heights, Inc, 45 Ill.2d 338 (1970), People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967); and People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945). The Board finds the evidence shows the subject and an adjoining parcel were purchased in July 2013 for \$80,000. A copy of the PTAX-2013, Illinois Real Estate Transfer Declaration, indicates the purchase had the key fundamental elements of an arm's-length transaction. The buyer and seller were unrelated parties; the subject property was exposed to the open market; and there was no evidence that either party was under duress to buy or sell. Based on this analysis, the Board finds the best evidence of the subject's market value is its July 2013 arm's-length sale price of \$80,000. As a result, the board finds the subject's estimated market value of \$71,146, as reflected by its assessment, is well justified given due consideration to the second parcel included in the sale.

The Board further finds the comparable sales submitted by the parties; though they provide indicators of value, do not overcome the subject's arm's-length sale price.

Based on this analysis, the Property Tax Appeal Board finds the appellant failed to demonstrate the subject property is overvalued by a preponderance of the evidence. Therefore, the Board finds the subject's assessment as established by the board of review is correct and no reduction 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.

*Mario Abbate*

Chairman

*K. L. Ferr*

Member

*JR*

Member

*Jerry White*

Acting Member

*Robert Hoffmann*

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: April 22, 2016

*A. Heston*

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.