



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

APPELLANT: Larry Coven
DOCKET NO.: 13-03797.001-R-2
PARCEL NO.: 17-31-302-137

The parties of record before the Property Tax Appeal Board are Larry Coven, the appellant, by attorney Andrew J. Rukavina of The Tax Appeal Company, in Mundelein; 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: \$ 163,718
IMPR.: \$ 554,534
TOTAL: \$ 718,252

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 an owner occupied residential property located in Moraine Township, Lake County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board arguing the subject property was overvalued. In support of this claim, the appellant submitted an appraisal of the subject property. The appraisal conveyed an estimated market value of \$1,750,000 as of January 1, 2013. Based on this evidence, the appellant requested the subject's assessment be reduced to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$718,252 was disclosed. The subject's assessment reflects an estimated market value of \$2,160,806 when applying Lake County's 2013 three-year average median level of assessment of 33.24%. 86 Ill.Admin.Code §1910.50(c)(1).

The board of review's evidence disclosed the subject property is an owner occupied residence that was the subject matter of an appeal before the Property Tax Appeal Board for the 2011 tax year under Docket Number 11-04924.001-R-2. In that appeal, the Property Tax Appeal Board issued a decision lowering the subject's assessment to \$743,919 based on an agreement by the parties that was supported by the evidence in the record. The board of review's evidence shows township equalization factors of .9848 and .9804 were issued for the 2012 and 2013 tax years, respectively. The board of review argued it applied the 2012 and 2013 township equalization factors to the Property Tax Appeal Board's 2011 final decision of \$743,919 resulting in a final assessment of \$718,252 for 2013 tax year pursuant to section 16-185 of the Property Tax Code. (35 ILCS 200/16-185). Based on this evidence, the board of review requested confirmation of the subject's assessment.

Under rebuttal, the appellant's attorney reiterated the appeal was based on overvaluation and the board of review did not refute the appraised value of the subject property submitted on behalf of the taxpayer. The appellant's attorney cited section 16-80 of the Property Tax Code arguing there is "substantial cause" for a reduction in the subject's assessment.

Conclusion of Law

As an initial matter, the Board finds the appellant's reliance on section 16-80 of the Property Tax Code (35 ILCS 200/16-80) with respect to "substantial cause" for a reduction in the subject's assessment to be misplaced. The Board finds this statutory authority pertains to the duties of the local board of review and is not binding on the Property Tax Appeal Board. The Property Tax Appeal Board further finds section 16-185 of the Property Tax Code is controlling in this appeal. (35 ILCS 200/16-185). The subject property was the subject matter of an appeal before the Property Tax Appeal Board for the 2011 tax year under Docket Number 11-04924.001-R-1. In that appeal, the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property to \$743,919 based on the evidence and an agreement between the parties. The evidence further indicates the subject property is an owner occupied residential property.

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 on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. (35 ILCS 200/16-185)

Based on this controlling statutory language, the Board finds its 2011 decision shall be carried forward to the subsequent assessment years of the same general assessment period plus application of equalization factors. The record contains no evidence indicating the subject property sold in an arm's-length transaction subsequent to the Board's decision or that the assessment year in question is in a different general assessment period. The Board finds the subject's final assessment for the 2013 assessment year, as determined by the board of review, follow the provisions outlined in section 16-185 of the Property Tax Code. (35 ILCS 200/16-185). ($\$743,919 \times .9848 \times .9804 = \$718,252$). Therefore, the Board finds no change 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.

Mark Allison

Chairman

DR

Member

Member

Robert Hoffmann

Member

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: May 20, 2016

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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.