



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

APPELLANT: Sarah Bruns
DOCKET NO.: 14-00889.001-R-1
PARCEL NO.: 08-21-122-083

The parties of record before the Property Tax Appeal Board are Sarah Bruns, the appellant, by attorney Herbert Holzman, of Tax Appeals Lake County in Lake Zurich; and the Lake County Board of Review.

Based on the facts and exhibits presented in this matter, 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: \$3,013
IMPR.: \$28,411
TOTAL: \$31,424

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 2014 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 four-unit apartment building of split-level design with frame exterior construction. The structure contains approximately 3,536 gross square feet of building area with 4 one-bedroom units. The building was constructed in 1990. The property has a 9,335 square foot site and is located in Waukegan, Waukegan Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted a grid analysis of six comparable sales located within 1.81 miles of the subject property. The comparables are improved with three, 4-unit apartment buildings; one, 6-unit apartment building; one, 3-unit apartment building; and one, single family residence that ranged in size from 1,180 to 6,348 square feet of building area. The comparables were constructed from 1901 to 1964 and had sites ranging in size from 4,037 to 14,530 square feet of land area. The sales occurred between August 2012 and October 2013 for prices ranging from

\$21,552 to \$120,000 or from \$18.26 to \$29.38 per square foot of living area, including land or from \$12,500 to \$27,250 per unit, including land.

Based on this evidence, the appellant requested a total assessment of \$28,330 which would reflect a market value of approximately \$84,998 or \$24.04 per square foot of building area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$31,424. The subject's assessment reflects a market value of \$94,310 or \$26.67 per square foot of building area, including land, or \$23,578 per unit, including land when using the 2014 three year average median level of assessment for Lake County of 33.32% as determined by the Illinois Department of Revenue.

The board of review submitted a memorandum from Martin P. Paulson, Clerk of the Lake County Board of Review, along with additional data. Paulson asserted that: 1) appellant's comparable #1 was a bank (REO) sale that was not offered through the realtor Multiple Listing Service (MLS); 2) appellant's comparable #2 was an unadvertised "short" sale of three units; 3) appellant's comparable #3 is a 6,348 square foot six unit building; 4) appellant's comparable #4 is a single family residence built in 1901; 5) appellant's comparable #5 is a three unit building built in 1910 and sold "as is" and 6) appellant's comparable #6 is an older building built in 1910 that was sold "as is" to a religious institution. Paulson also noted that while several of the appellant's comparables are not similar to the subject in design, age or appeal, comparables #2 through #5 sold from \$19,666 to \$27,250 per unit, with the subject's 2014 fair cash value of \$23,571 is within the range. Therefore, Paulson on behalf of the board of review requested the confirmation of the subject's 2014 assessment.

In support of its contention of the correct assessment the board of review submitted a grid analysis of six comparable sales located within 2.32 miles of the subject property. The comparables are improved with 4-unit apartment buildings that contain 2,314 or 2,600 square feet of building area. The comparables were constructed from 1955 to 1965 and had sites ranging in size from 8,751 to 17,060 square feet of land area. The sales occurred between May 2011 and March 2015¹ for prices ranging from \$120,000 to \$145,000 or from \$51.85 to \$62.66 per square foot of building area, including land or from \$30,000 to \$36,250 per unit, including land.

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.

¹ The board of review's comparables #4 and #5 sold in March 2015. Comparable #4 original listing was in 2009 and comparable #5 original listing was in 2014.

As to the comparable sales presented by the appellant, the board of review noted the properties sold as foreclosure or short sale properties. 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 the sale of foreclosure and/or short sale properties in revising and correcting the subject's assessment.

The parties submitted 11 comparable sales for the Board's consideration. The Board gave little weight to the appellant's comparable #2 along with the board of review comparable #3. These sales occurred in May 2011 and September 2012, which is less indicative of fair market value as of the subject's January 1, 2014 assessment date. The Board gave less weight to the board of review's comparables #4 and #5. These comparables sold in March 2015, which is less indicative of fair market value as of the subject's January 1, 2014 assessment date. The Board gave little weight to the appellant's comparable #3. This comparable is a 6-unit apartment building when compared to the subject's 4-unit apartment building. The Board gave less weight to the appellant's comparable #4 due to its considerably smaller site size, considerably older in age, considerably smaller in dwelling size and being a single family residence when compared to the subject. The Board gave less weight to the appellant's comparables #5 and #6. These comparables are considerably older in age when compared to the subject.

The Board finds the best evidence of market value to be appellant's comparable sales #1 along with the board of review comparable sales #1 and #2. These most similar comparables sold for prices ranging from \$109,000 to \$145,000 or from \$23.25 to \$62.66 per square foot of building area, including land or from \$27,250 to \$36,250 per unit, including land. The subject's assessment reflects a market value of \$94,310 or \$26.67 per square foot of building area, including land, or \$23,578 per unit, including land, which is below the range on an overall value and per unit, including land and within the range on a per square foot of building area, including land, 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



Member



Member



Member



Acting Member

DISSENTING: _____

CERTIFICATION

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: August 19, 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.