



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

APPELLANT: James Cerkleski
DOCKET NO.: 14-01239.001-R-1
PARCEL NO.: 06-28-117-004

The parties of record before the Property Tax Appeal Board are James Cerkleski, the appellant, by attorney Ronald Kingsley, of Lake County Real Estate Tax Appeal, LLC in Lake Forest; and the Lake County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **A Reduction** 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: \$4,534
IMPR.: \$15,273
TOTAL: \$19,807

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 one-story single family dwelling of frame exterior construction with 887 square feet of living area. The dwelling was constructed in 1942. Features of the home include a crawl-space foundation and central air conditioning. The property has a 4,792 square foot site and is located in Round Lake Park, Avon Township, Lake County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on August 7, 2013 for a price of \$15,000. In support of this the appellant submitted a copy of the settlement statement and the PTAX-203 Illinois Real Estate Transfer Declaration but did not complete Section IV of the residential appeal form. The settlement statement revealed a commission was not paid to a realty firm. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$20,148. The subject's assessment reflects a market value of \$60,468 or \$68.17 per square foot of living area, land included, 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 according to the PTAX-203, the sale was based on an August 1, 2012 installment contract and the appellant's HUD-1 indicates an "all cash" transaction.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales located in the same neighborhood and within .30 of a mile from the subject property. The comparables are improved with one-story single family dwellings of wood siding or vinyl siding exterior construction and were built from 1955 to 1965. One comparable has a full basement with finished area. Two comparables have central air conditioning and three comparables have a garage that range in size from 308 to 460 square feet of building area. The dwellings range in size from 864 to 988 square feet of living area and have sites that range in size from 4,792 to 8,712 square feet of land area. The comparables sold from January 2012 to May 2014 for prices ranging from \$53,000 to \$60,000 or from \$53.64 to \$69.44 per square foot of living area, land included. Based on the evidence, the board of review requested confirmation of the subject's 2014 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Property Tax Appeal Board has given little weight to the appellant's purchase price of the subject property of \$15,000 which was the fulfillment of an installment contract that was initiated in 2012. The Board finds that there is insufficient market value data to ascertain whether this 2013 contract sale price was reflective of the subject's market value as of the assessment date of January 1, 2014 that is at issue in this matter. The Board finds that such facts would be important in determining whether the installment contract price was truly reflective of fair market value of the subject parcel as of the assessment date. Without this data, the Board cannot rely upon the installment contract purchase price as a valid indicator of the subject's market value.

The board of review submitted four comparable sales for the Board's consideration. The Board gave less weight to the board of review's comparable sales #2 and #4. These sales occurred in January and March 2012, which is less indicative of fair market value as of the subject's January 1, 2014 assessment date. The Board finds the best evidence of market value in the record to be the board of review comparable sales #1 and #3. These comparables were similar to the subject in location, style, dwelling size, exterior construction, age and features. These properties also

sold proximate in time to the assessment date at issue. The comparables sold for prices of \$67.13 and \$62.50 per square foot of living area, including land. The subject's assessment reflects a market value of \$68.17 per square foot of living area, including land, which is above the best comparable sales in this record. Based on this record the Board finds the subject's assessment is not reflective of market value and a reduction in the subject's assessment is 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: September 23, 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.