



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

APPELLANT: Poniente Properties, LLC
DOCKET NO.: 14-01454.001-R-1
PARCEL NO.: 08-17-202-020

The parties of record before the Property Tax Appeal Board are Poniente Properties, LLC, the appellant, by attorney Jeffrey Frost of the Frost Law Firm, P.C. in Chicago; 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: \$3,833
IMPR.: \$11,217
TOTAL: \$15,050

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 is improved with a one-story dwelling of frame construction with 864 square feet of living area. The dwelling was constructed in 1955. Features of the home include a full unfinished basement. The property has a 6,737 square foot site and is located in Waukegan, Waukegan 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 July 18, 2013 for a price of \$30,150. The appellant completed Section IV – Recent Sale Data of the Appeal disclosing the seller was Fannie Mae (Federal National Mortgage Association), the parties were not related, the property was sold through a Realtor, the property was advertised for sale in the Multiple Listing Service (MLS) and the property had been on the market for 36 days. To document the sale the appellant submitted a copy of the settlement statement, a copy of the MLS listing and a copy of

the PTAX-203 Illinois Real Estate Transfer Declaration associated with the subject's sale. The listing described the subject dwelling as needing upgrading and decorating. The listing also indicated the subject property was REO/Lender Owned, Pre-Foreclosure. The transfer declaration disclosed the subject property was advertised for sale, described the subject as being a Bank REO (real estate owned) and indicated the seller was a financial institution or government agency. The appellant also disclosed that \$15,000 was spent on the subject property prior to occupancy in November 2013. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$10,050.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$18,324. The subject's assessment reflects a market value of \$54,994 or \$63.65 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.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales improved with one-story dwellings of brick or wood siding exterior construction that range in size from 934 to 1,241 square feet of living area. The dwellings were built from 1940 to 1952. Each comparable has an unfinished basement, two comparables have central air conditioning and each comparable has a garage ranging in size from 240 to 576 square feet of building area. The comparables have sites ranging in size from 7,216 to 8,554 square feet of land area. The sales occurred from August 2013 to November 2014 for prices ranging from \$51,000 to \$66,000 or from \$41.10 to \$70.66 per square foot of living area, including land. The board of review indicated each of the sales was either a foreclosure or short sale. It also indicated that its sale #1 resold in September 2014 for a price of \$74,900 or \$60.35 per square foot of living area.

In rebuttal the board of review noted that the subject property was renovated after the purchase and it was being offered as "rent to own" for \$89,900. The board of review provided copies of photographs from the rental listing depicting the interior of the subject property.

The board of review requested the subject's assessment be sustained.

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 Board finds the best evidence of market value to be the purchase of the subject property in July 2013 for a price of \$30,150 along with the costs of renovation. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the

open market in the Multiple Listing Service and it had been on the market for 36 days. In further support of the transaction the appellant submitted a copy of the settlement statement and the PTAX-203 Illinois Real Estate Transfer Declaration. The Board finds the purchase price is below the market value reflected by the assessment. The record also disclosed the appellant spent \$15,000 to renovate the dwelling prior to occupancy in November 2013. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction. The board of review did provide information on four sales. Only one of the sales had a purchase price that was above the market value reflected by the subject's assessment on a square foot basis. The Board further finds that each of the board of review comparables had a garage whereas the subject has no garage. Additionally, two of the comparables have central air conditioning while the subject has no central air conditioning. Furthermore, each of the comparables has a larger site than the subject property. Due to these differences the Board finds the board of review sales support the conclusion the subject property is overvalued. Based on this record, considering the subject's purchase price and the renovation costs, the Board finds 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.