



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

APPELLANT: Berg Holdings, Inc.  
DOCKET NO.: 14-01457.001-R-1  
PARCEL NO.: 08-29-207-001

The parties of record before the Property Tax Appeal Board are Berg Holdings, Inc., the appellant, by attorney Jeffrey Frost of 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 **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:** \$ 4,176  
**IMPR.:** \$18,980  
**TOTAL:** \$23,156

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 brick dwelling that contains 1,748 square feet of living area. The dwelling was constructed in 1920 and was renovated in 2013. Features include an unfinished basement, a fireplace and a one-car garage. The subject has a 5,524 square foot site. The subject property is located in Waukegan Township, Lake County, Illinois.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted evidence disclosing the subject property was purchased on May 1, 2013 for \$47,000.<sup>1</sup> The appellant completed Section IV–Recent Sale Data of the appeal petition. The appeal form indicated the parties to the transaction were not related and the home was sold by owner using a Realtor and the Multiple Listing Service after being exposed on the open market for 180 days.

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<sup>1</sup> The appellant incorrectly conveyed a sale date of November 1, 2013 on the residential appeal petition.

The appeal form further indicated the dwelling was renovated after the sale at a purported cost of \$6,000. The degree of renovation and supporting evidence pertaining to the cost was not disclosed. The appellant submitted a copy of the settlement statement and Multiple Listing Service (MLS) sheet associated with the sale of the subject property. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price of \$38,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject property of \$23,156. The subject's assessment reflects a market value of \$69,496 or \$37.76 per square foot of living area when applying the 2014 three-year average median level of assessment for Lake County of 33.32%. In support of the subject's assessment, the board of review submitted a letter addressing the appeal, MLS sheets, the subject's rental listing and four comparable sales.

With respect to the evidence submitted by the appellant, the board of review contends the subject property sold in "as-is" condition. The board of review noted the subject was a Sheriff's sale, which previously sold in August 2012. The board of review submitted the subject's property record card, rental listing sheet and photographs disclosing the subject dwelling was renovated after its May 2013 sale, including new windows, kitchen and polished hardwood floors. The rental listing disclosed the subject property was available on a rent to own basis for \$99,900.

The comparables consist of one-story or one and one-half story dwellings of wood, aluminum or stucco exterior construction that were built from 1920 to 1935. Features had varying degrees of similarity when compared to the subject. The dwellings range in size from 1,284 to 1,598 square feet of living area and are situated on sites that contain from 5,012 to 7,310 square feet of land area. The comparables sold from March 2013 to April 2014 for prices ranging from \$58,000 to \$74,000 or from \$43.27 to \$51.09 per square foot of living area including land. 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 and no reduction in the subject's assessment is warranted.

The Property Tax Appeal Board gave diminished weight to the subject's 2013 sale price. The Board finds the sale price does not reflect the updated condition of the dwelling as of the January 1, 2014 assessment date. The Board finds the record is un-refuted that the subject dwelling was renovated subsequent to its May 2013 sale. Finally, the Board finds the subject property was publically available on a rent to own basis for \$99,900, which clearly undermines the appellant's argument that its \$38,000 sale price was reflective of market value.

The board of review submitted four comparable sales to support the assessment of the subject property. The Board finds the comparables had varying degrees of similarity when compared to

the subject in location, land area, design, age, dwelling size and features. These comparables sold from March 2013 to April 2014 for prices ranging from \$58,000 to \$74,000 or from \$43.27 to \$51.09 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$69,496 or \$37.76 per square foot of living area including land, which is less than the most similar comparable sales contained in this record on a per square foot basis. Based on a preponderance of the most credible market value evidence contained in this record, the Board finds the subject's estimated market value as reflected by its assessment is supported. Therefore, no reduction 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.



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.