



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

APPELLANT: Sandra Montes
DOCKET NO.: 14-01834.001-R-1
PARCEL NO.: 06-28-134-010

The parties of record before the Property Tax Appeal Board are Sandra Montes, the appellant; 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: \$5,216
IMPR.: \$11,449
TOTAL: \$16,665

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 1.5-story single family dwelling of frame construction with 1,020 square feet of living area. The dwelling was constructed in 1941. Features of the property include a crawl space foundation and a detached garage with 280 square feet of building area. The property has a 6,534 square foot site and is located in Round Lake Park, Avon Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information disclosing the subject property was purchased on September 30, 2011 for a price of \$17,000. The appellant also submitted information on five additional comparable sales improved with 1.5-story dwellings that ranged in size from 928 to 1,125 square feet of living area.¹ The dwellings were constructed from 1937 to 1948. One comparable had a basement and four comparables had garages ranging in size from 240 to 440 square feet of

¹ Appellant's comparable sale #1 in the grid analysis was the sale of the subject property.

building area. The sales occurred from December 2012 to November 2013 for prices ranging from \$9,000 to \$36,000 or from \$8.00 to \$34.32 per square foot of living area, including land. The appellant's analysis included adjustments to the comparables for differences from the subject to arrive at adjusted prices ranging from \$10,088 to \$40,432. Based on this evidence the appellant requested the subject's assessment be reduced to \$5,666 to reflect a market value of \$17,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$16,665. The subject's assessment reflects a market value of \$50,015 or \$49.03 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 1.5-story dwellings that ranged in size from 1,008 to 1,128 square feet of living area. The dwellings were built from 1933 to 1942. One comparable has central air conditioning, one comparable has a fireplace and each comparable was described as having no garage. The sales occurred from January 2013 to November 2013 for prices ranging from \$48,000 to \$74,900 or from \$44.69 to \$74.31 per square foot of living area, including land. The board of review indicated its sale #1 was a foreclosure.

In rebuttal the board of review noted that each of the sales provided by the appellant were either foreclosures or short sales. The board of review submitted a copy of the Multiple Listing Service (MLS) sheet associated with the subject property describing the property as in pre-foreclosure, bank owned, perfect property to rehab and a diamond in the rough. Although the board of review indicated that appellant's sale #2 was not exposed on the market through the MLS, the PTAX-203 Illinois Real Estate Transfer Declaration indicated this property was advertised for sale. A copy of the MLS listing sheet for appellant's comparable sale #3 described the property as in need of total rehab and as a short sale being sold in "as is" condition. The PTAX-203 Illinois Real Estate Transfer Declaration associated with appellant's sale #4 stated this property had not been advertised for sale, was sold at auction and was transferred via a sheriff's deed. The MLS associated with appellant's sale #5 described the property as being in pre-foreclosure and owned by the Department of Housing and Urban Development (HUD). The MLS associated with appellant's sale #6 described the property as REO/Lender Owned, Pre-Foreclosure and as a Fannie Mae property.

Based on this evidence the board of review requested the assessment be sustained.

In rebuttal the appellant provided evidence disclosing that board of review comparable sales #1 and #4 each had an additional lot improved with a garage at the time of sale. Furthermore, copies of the MLS sheets associated with each of these sales submitted by the board of review described each property as having a garage.

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.

The appellant provided evidence that the subject property was purchased in September 2011 for a price of \$17,000. The Board gives this sale little weight due to the fact the transaction occurred more than two years prior to the assessment date at issue. Furthermore, the evidence disclosed the subject property was in need of repairs or rehabilitation at the time of sale and was in pre-foreclosure, both elements call into question the arm's length nature of the sale and whether the price in 2011 is reflective of fair cash value as of the assessment date at issue.

The record contains nine additional sales submitted by the parties to support their respective positions. The Board gives appellant's sale #2 little weight as the purchase price is an outlier at a price of \$8.00 per square foot of living area when compared to the other sales in the record that range from \$21.02 to \$74.31 per square foot of living area. Furthermore, the board of review indicated the transaction was the result of a sheriff's sale calling into question the arm's length nature of the transaction. Little weight was given appellant's sale #3 as this property was described as being in need of total rehabilitation as the time of sale. Little weight was given appellant's comparable sale #4 as this property was described as having not been advertised for sale and was transferred via a sheriff's deed calling into question the arm's length nature of the sale. Some weight was given appellant's sales #5 and #6 although both were in pre-foreclosure at the time of sale. The Board also gives weight to the sales provided by the board of review with the recognition that both board of review sales #1 and #4 had garages. The six sales given the most weight sold for prices ranging from \$22,999 to \$74,900 or from \$21.02 to \$74.31 per square foot of living area, including land. The three sales at the low end of the range from \$21.02 to \$44.69 per square foot of living area were foreclosures. The subject's assessment reflects a market value of \$50,015 or \$49.03 per square foot of living area, including land, which is well within the range 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: October 21, 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.