



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

APPELLANT: Mark Timm  
DOCKET NO.: 14-01850.001-R-1  
PARCEL NO.: 06-19-105-237

The parties of record before the Property Tax Appeal Board are Mark Timm, the appellant, by Jerri K. Bush, Attorney at Law, in Chicago; and the Lake County Board of Review.

Based on the facts and exhibits presented, 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:** \$ 1  
**IMPR:** \$ 10,165  
**TOTAL:** \$ 10,166

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 frame condominium unit that has 624 square feet of living area. The unit was built in 2002. The unit features central air conditioning. The subject property is located in Avon Township, Lake County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a limited "Property Tax Analysis" of seven comparable sales. The analysis was dated February 21, 2015. Neither the name nor the professional credentials of the person(s) who prepared the report was disclosed. The comparables are located from .01 to .20 of a mile from the subject property. The comparables had varying degrees of similarity when compared to the subject in design, dwelling size, age, and features. The comparables sold from February 2013 to May 2014 for prices ranging from \$11,000 to \$28,000 or from \$16.47 to \$44.87 per square foot of living area including land. The analysis included "Property Equalization Values" (adjustments) to the comparables for sale date, age, square footage and garage area. Based on the Property Equalization Values, the analysis conveys a value estimate for the subject property of \$20,507 or a total assessment of \$6,835. No evidence or explanation pertaining to the calculation of the adjustment amounts was provided. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$10,166. The subject's assessment reflects an estimated market value of \$30,510 or \$48.90 per square foot of living area including land 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 and four comparable sales. One comparable was also used by the appellant.

The comparables are located from .04 to .26 of a mile from the subject property. The comparables had varying degrees of similarity when compared to the subject in design, dwelling size, age, and features. The comparables sold from January 2014 to June 2014 for prices ranging from \$28,000 to \$40,000 or from \$44.87 to \$64.10 per square foot of living area including land.

The board of review argued appellant's comparable #2 was not an arm's-length transaction because it appears the sale was between relatives and it was not advertised for sale. The board of review submitted the Real Estate Transfer Declaration (PTAX-203) for comparable #2 in support of this claim. The board of review argued comparables #3, #6 and #7 were sheriff's sales; comparables #4 and #5 were HUD foreclosures; and comparable #2,

#5, #6 and #7 were a different model than the subject. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Under rebuttal, the appellant argued its comparable #2 was not a sale between related parties, noting the seller and the buyer had different last names. Furthermore, contrary to the PTAX-203, the appellant asserted comparable #2 had been listed for sale to the general public in 2013 and 2014, but submitted no evidence to support this claim. The appellant also submitted a new side by side analysis of both parties' comparables, with adjustments applied to the board of review's comparables, which conveys a new estimate of value for the subject of \$22,889 or an assessment of \$7,629.

### **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 failed to meet this burden of proof and no reduction in the subject's assessment is warranted.

The parties submitted ten suggested comparable sales for the Board's consideration. One comparable was common to both parties. The Board gave less weight to comparables #2, #5, #6 and #7 submitted by the appellant and comparables #3 and #4 submitted by the board of review. These comparables are slightly larger in dwelling size and have a garage, superior to the subject. In addition, the Board finds appellant's comparable #2 was not an arm's-length transaction because it not was advertised for sale on the open as depicted on the Real Estate Transfer Declaration (PTAX-203), despite the assertion of the appellant. The Board finds the remaining four comparables were more similar when compared to the subject in location, age and features. Additionally, these comparables were identical in dwelling size when compared to the subject. They sold for prices ranging from \$22,101 to \$30,500 or from \$35.42 to \$48.88 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$30,510 or \$48.90 per square foot of living area including land, which

falls only \$.02 above the range established by the most similar comparable sales contained in this record on a per square foot basis. After considering any necessary adjustments to the comparables for differences to the subject, the Board finds the subject's assessed valuation 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.

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Chairman

*K. L. Fan*

*Mario Alvino*

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Member

\_\_\_\_\_  
Member

*JR*

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Member

\_\_\_\_\_  
Acting Member

*Robert Hoffmann*

\_\_\_\_\_  
Acting Member

DISSENTING: \_\_\_\_\_

C E R T I F I C A T I O N

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: February 19, 2016

*A. Proctor*

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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.