



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

APPELLANT: Oscar Manuel Lopez Torres
DOCKET NO.: 14-02263.001-R-1
PARCEL NO.: 06-16-318-005

The parties of record before the Property Tax Appeal Board are Oscar Manuel Lopez Torres, 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: \$ 4,730
IMPR.: \$ 5,538
TOTAL: \$10,268

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 dwelling that has 570 square feet of living area. The dwelling was built in 1949. Features include a 640 square foot detached garage. The subject has a 5,000 square foot site. 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 information pertaining to the sale of the subject property. The appellant's appeal petition indicated the subject property sold in May 2014 for \$27,000. The appeal petition depicts the subject property was listed for sale with a Realtor through the Multiple Listing Service (MLS), but did not identify the name of the Realtor firm, agent or how long of the period the property was advertised for sale. The appellant submitted a copy of the MLS sheet associated with the sale of the subject property. The listing sheet shows the subject was listed for sale at \$49,000 in

November 2013 and the offering included an additional parcel (06-16-318-004). The appellant did not submit the sales contract, settlement statement or Real Estate Transfer Declaration (PTAX-203) associated with the sale of the subject property. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect its sale price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$10,268. The subject's assessment reflects an estimated market value of \$30,816 or \$54.06 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 three comparable sales. The board of review submitted a copy of the Real Estate Transfer Declaration (PTAX-203) associated with the sale of the subject property. This evidence depicts that the subject property, along with the vacant adjoining parcel, sold in April 2014 for \$34,000. This document also depicts the subject property was not advertised for sale.

The comparable sales submitted by board of review had varying degrees of similarity when compared to the subject in location, land size, age, design, dwelling size and features. The comparables sold from April 2012 to August 2013 for prices ranging from \$36,000 to \$45,500 or from \$56.96 to \$80.88 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 Board gave little weight to the subject's sale price. The Board finds the record contains conflicting information pertaining to the subject's sale price, sale date and the arm's-length nature of the transaction. The appellant claimed the subject sold in May 2014 for \$27,000 based on a copy of the MLS sheet. The Board of review submitted a copy of the Real Estate Transfer Declaration (PTAX-203) associated with the sale of the subject property. This evidence, which was signed by the appellant, shows that the subject property along with the vacant adjoining parcel sold in April 2014 for \$34,000. However, this evidence shows the subject property was not advertised for sale, which does not meet one of the fundamental elements to be considered an arm's-length transaction. In addition, the board finds the appellant failed to submit the sales contract and settlement statement associated with the sale of the subject property identifying the terms of the transaction, which further detracts from the weight of the evidence.

The board of review submitted three comparable sales with varying degrees of similarity when compared to the subject in location, land size, age, design, dwelling size and features. These comparables sold from April 2012 to August 2013 for prices ranging from \$36,000 to \$45,500 or from \$56.96 to \$80.88 per square foot of living area including land. The subject's assessment

reflects an estimated market value of \$30,816 or \$54.06 per square foot of living area including land, which falls below the range established by the comparable sales contained in the record. Based on this analysis, the Board finds no 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: November 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.