



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

APPELLANT: R. Peralta Moreno
DOCKET NO.: 14-02279.001-R-1
PARCEL NO.: 06-18-418-011

The parties of record before the Property Tax Appeal Board are R. Peralta Moreno, 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: \$4,357
IMPR.: \$27,307
TOTAL: \$31,664

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 raised ranch style single family dwelling of vinyl siding exterior construction with 1,220 square feet of above grade living area. The dwelling was constructed in 1979. Features of the home include a finished lower level with 624 square feet, central air conditioning, an integral garage with 520 square feet and a 576 square foot detached garage. The property is located in Round Lake Beach, Avon Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on nine comparable sales improved with what were described as two split-level style dwellings and seven tri-level style dwellings that contained from 1,008 to 1,144 square feet of above grade living area. The dwellings were constructed from 1974 to 1983. The comparables had finished lower levels ranging in size from 528 to 600 square feet, six comparables had central air conditioning, one comparable had a fireplace and eight of comparables each had a garage ranging in size from 440 to 528 square feet of building area. The

comparables were located from .06 to .76 of a mile from the subject property. The sales occurred from March 2013 to March 2014 for prices ranging from \$40,466 to \$60,001 or from \$37.96 to \$57.04 per square foot of above grade living area. The appellant's analysis included adjustments to the comparables for differences from the subject to arrive at adjusted prices ranging from \$41,146 to \$69,984. Based on this evidence the appellant requested the subject's assessment be reduced to \$21,407 to reflect a market value of \$64,227.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$31,664. The subject's assessment reflects a market value of \$95,030 or \$77.89 per square foot of above grade 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 a statement from the clerk of the Lake County Board of Review and information on four comparable sales. The clerk explained that the subject property has building improvements on three parcels (PINs) identified by 06-18-418-011, 06-18-418-010 and 06-18-418-012. He explained that subject's combined assessment for the three PINs was \$43,758 which equates to a market value of \$131,225 or \$107.56 per square foot of living area.

In rebuttal the clerk of the board of review asserted that appellant's sales #4, #5 and #8 were sheriff's sales with comparables #4 and #5 having sold without the benefit of realtor/MLS exposure. He also stated that appellant's sales #1, #6 and #7 were foreclosure sales and comparable sales #2 and #9 were short sales. He also noted the appellant did not address the subject's additional garage with 576 square feet of building area. To support these statements the board of review submitted copies of the MLS listing sheets and/or the PTAX-203 Illinois Real Estate Transfer Declaration for appellant's sales #4 and #5.

In support of the subject's assessment the board of review submitted information on four comparable sales. The comparables were improved with three raised-ranch style dwellings and a tri-level style dwelling that ranged in size from 1,080 to 1,170 square feet of above grade living area. The dwellings were constructed from 1965 to 1987. Each comparable has a finished lower level ranging in size from 528 to 1,008 square feet, three comparables have central air conditioning, one comparable has a fireplace and three comparables have garages with either 480 or 528 square feet of building area. The comparables were located from .398 to 2.052 miles from the subject property. The sales occurred from August 2013 to July 2014 for prices ranging from \$118,000 to \$155,000 or from \$107.66 to \$132.48 per square foot of living area, including land. The board of review requested the assessment be confirmed.

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 record contains information on thirteen comparable sales submitted by the parties. The board of review submitted documentation disclosing appellant's comparable sales #1, #2, #3, #6, #7, #8 and #9 were either short sales or REO/Lender Owned, Pre-Foreclosure properties. The board of review also provided copies of the PTAX-203 Illinois Real Estate Transfer Declaration for appellant's sales #4 and #5 reporting that neither of these properties was advertised for sale with sale #4 being an auction and sale #5 being a court ordered sale. Furthermore, the seller for appellant's comparable sales #4 and #5 was identified as the Lake County Sheriff's Office.

The Property Tax Appeal Board recognizes that Section 1-23 of the Code defines compulsory sale as:

"Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete. 35 ILCS 200/1-23.

Section 16-183 of the Code provides that the Property Tax Appeal Board is to consider compulsory sales in determining the correct assessment of a property under appeal stating:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer. 35 ILCS 200/16-183.

Based on these statutes, the Property Tax Appeal Board finds it is appropriate to consider the sales provided by the appellant in revising and correcting the subject's assessment. These sales set the lower range of value.

The board of review provided information on four comparable sales that appear to be more traditional transactions and not "compulsory sales."

In total the thirteen sales provided by parties sold for prices ranging from \$40,466 to \$155,000 or from \$37.96 to \$132.48 per square foot of living area, including land. The subject PIN under appeal reflects a market value of \$95,030 or \$77.89 per square foot of living area, including land, which is within the range established by the comparable sales in this record. After considering the sales provided by the parties, 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: 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.