



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

APPELLANT: William Goldstein
DOCKET NO.: 14-03951.001-R-1
PARCEL NO.: 03-36-208-005

The parties of record before the Property Tax Appeal Board are William Goldstein, the appellant, by attorney David Lavin, of Schiller Strauss & Lavin PC 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: \$17,174
IMPR.: \$9,684
TOTAL: \$26,858

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) 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 dwelling of frame construction with 1,094 square feet of living area. The dwelling was constructed in 1938. Features of the home include a partial basement that is unfinished and a 545 square foot garage. The property has a 40,946 square foot site and is located in Wadsworth, Newport Township, Lake County.

The appellant contends overvaluation based on a contention of law pursuant to Section 16-185. The appellant's attorney asserted that this 2014 appeal is a direct appeal based on a reduction in the previous year's assessment, which is the same assessment period. In support of the overvaluation argument the appellant submitted information regarding the subject's sale in June 2011 for \$50,300. The appellant's evidence included a copy of the Settlement Statement, Real Estate Contract and PTAX-203 Illinois Real Estate Transfer Declaration. The Real Estate Contract revealed the buyer as Harbor Trails, LLC.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$26,858. The subject's assessment reflects a market value of \$80,606 or \$73.68 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.

As to the appellant's attorney's argument that the subject's 2013 assessment reduction should be carried forward to 2014, the board of review argued that the subject property was not an owner occupied property and should not receive a reduction based on the "rollover" provision outlined in Section 16-185 of the Property Tax Code (35 ILCS 200/16-185).

The appellant's attorney did not refute the board of review's assertion that the subject was not an owner-occupied property.

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 Board finds the best evidence of market value to be the board of review comparable sales. These similar comparables sold from July 2013 to December 2014 for prices ranging from \$85,000 to \$142,000 or from \$79.00 to \$133.49 per square foot of living area, including land. The subject's assessment reflects a market value of \$80,606 or \$73.68 per square foot of living area, including land, which is below the range established by the comparable sales in this record. The Board gave little weight to the subject's sale due to its occurrence greater than 30 months prior to the assessment date at issue. The Board gave no weight to the appellant's attorney's contention of law argument regarding the subject's 2013 assessment reduction. Based on the evidence in this record, the Board finds the subject property was purchased by Harbor Trails, LLC, which is not the appellant of record for this 2014 Property Tax Appeal Board appeal. Therefore, the Board finds the subject is not an owner-occupied dwelling and is not subject to the "rollover" provision pursuant to Section 16-185 of the Property Tax Code. (35 ILCS 200/16-185) 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



Acting Member

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: _____

April 21, 2017



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.