



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

APPELLANT: Poniente Properties, LLC
DOCKET NO.: 15-03254.001-R-1
PARCEL NO.: 04-29-208-037

The parties of record before the Property Tax Appeal Board are Poniente Properties, LLC, the appellant, by attorney Jeffrey Frost, of Frost Law Firm, P.C. 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: \$4,484
IMPR.: \$32,179
TOTAL: \$36,663

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 2015 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 Tri-level duplex dwelling of aluminum exterior construction with 2,248 square feet of living area. The dwelling was constructed in 1989. Features of the home include a central air conditioning and a 672 square foot garage.¹ The property has a 14,447 square foot site and is located in Zion, Zion Township, Lake County.

The appellant contends overvaluation as the basis of the appeal but submitted only one sale and equity data for all three comparables. The Board will consider the inequity argument in light of the evidence submitted. In support of the inequity argument the appellant submitted information on four equity comparables with varying degrees of similarity to the subject. The comparables had improvement assessments ranging from \$25,441 to \$25,857 or from \$11.78 to \$12.05 per

¹ The board of review reported the subject does not have a basement, which is supported by the property record card. The appellant incorrectly described the lower level as a basement.

square foot of living area. One of the comparables sold in December 2015 for \$39,907 or \$18.48 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$36,663. The subject property has an improvement assessment of \$32,179 or \$14.31 per square foot of living area. The subject's assessment reflects a market value of \$110,497 or \$49.15 per square foot of living area, including land using the 2015 Lake County three-year average median level of assessments of 33.18% 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 equity comparables with varying degrees of similarity to the subject. The comparables had improvement assessments ranging from \$26,401 to \$32,653 or from \$9.70 to \$15.49 per square foot of living area. Two of the comparables sold for prices of \$151,000 and \$87,500, respectively, or for \$48.40 and \$50.64 per square foot of living area, including land.

Conclusion of Law

The taxpayer contends assessment inequity as one basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted on this basis.

The Board finds the best evidence of assessment equity to be board of review comparables #1 and #2 based on design. The remaining comparables were given little weight because of their dissimilar design when compared to the subject and/or lack of air conditioning. The most similar comparables had improvement assessments of \$15.12 and \$15.00, respectively, per square foot of living area. The subject's improvement assessment of \$14.31 per square foot of living area falls below the best comparables in this record and is supported. Based on this record the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified on this basis.

The appellant also 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 on this basis.

The Board finds only three sales were submitted into the record, none of which were truly similar to the subject. The three sales sold for prices ranging from \$18.48 to \$50.64 per square foot of living area, including land. The subject's assessment reflects a market value of \$49.15

per square foot of living area, including land, which is within the range established by the comparable sales in this record. Based on this evidence the Board finds a reduction in the subject's assessment is not justified on this basis.

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. Pursuant to Section 1910.50(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



Acting Member



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: October 20, 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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

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