



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

APPELLANT: Dorothy Espelage
DOCKET NO.: 15-03473.001-R-1
PARCEL NO.: 16-15-412-035

The parties of record before the Property Tax Appeal Board are Dorothy Espelage, 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: \$14,394
IMPR.: \$98,613
TOTAL: \$113,007

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 two-story dwelling of brick construction with 1,980 square feet of living area. The dwelling is ½ of a duplex and was constructed in 2007. Features of the home include a basement that is partially finished, central air conditioning, three fireplaces and an attached one-car garage with 360 square feet of building area. The property has a 3,973 square foot site and is located in Highwood, Moraine Township, Lake County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on November 8, 2013 for a price of \$260,000. The appellant identified the seller as Mohammed Saleem and indicated the parties were not related. The appellant further indicated the subject property sold through a Realtor and had been listed for sale in the Multiple Listing Service (MLS) for 5 months. To document the sale, the appellant submitted a copy of the settlement statement and a copy of the warranty deed.

The appellant also listed two comparable sales on Section V – Comparable Sales/Assessment Grid Analysis of the appeal and provided an analysis of three sales, two of which were listed on the grid. These three sales were described as being improved with two, two-story townhouses and ½ of a duplex. The sales occurred from May 2014 to December 2014 for prices ranging from \$195,000 to \$268,000. The appellant provided the sizes of two of the comparables disclosing they had 2,150 and 2,375 square feet of living area, respectively. These two comparables sold for prices of \$195,000 and \$267,000 or for \$90.70 and \$112.42 per square foot of living area, including land. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$76,611.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$113,007. The subject's assessment reflects a market value of \$340,588 or \$172.01 per square foot of living area, land included, when using the 2015 three-year average median level of assessment for Lake County of 33.18% as determined by the Illinois Department of Revenue.

The Board of review provided a written statement asserting the subject property sold on May 31, 2013 at a sheriff's sale. The property sold again to the appellant on November 8, 2013 to the appellant for a price of \$260,000, the board of review provided a copy of the MLS listing associated with the transaction. The subject property was reported to have sold again in June 2016 for a price of \$415,500, the board of review provided a copy of the MLS listing associated with the transaction. In rebuttal, the board of review asserted that the two sales provided by the appellant on the appeal were bank foreclosure sales which transferred in "as is" condition. The board of review provided copies of the property record cards associated with these properties, and copies of the MLS listings which indicated the seller for each property was JP Morgan Chase Bank, N.A.

In support of its contention of the correct assessment the board of review submitted information on four sales, one of which sold twice, improved with two, two-story dwellings and a three-story dwelling of brick construction that ranged in size from 2,408 to 3,224 square feet of living area. The comparables were constructed from 1895 to 2005. The board of review asserted that the dwelling that was constructed in 1895 had an effective date of construction of 1995 as it was gutted and rehabilitated in 1995. Each comparable has central air conditioning and a garage ranging in size from 380 to 462 square feet of building area. Three comparables each have one fireplace. The sales occurred from May 2013 to July 2015 for prices ranging from \$395,000 to \$470,000 or from \$145.78 to \$186.88 per square foot of living area, including land. To document the sales the board of review submitted copies of the MLS listing sheets for each of the sales. Based on this evidence 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 disclosed the appellant purchased the subject property in November 2013 for a price of \$260,000 and the property sold again in June 2016 for a price of \$417,500. The subject's assessment reflects a market value of \$340,588, which falls within the range of the two sales. The Board finds the second sale of the subject property demonstrates the subject property was not overvalued as of January 1, 2015.

Additionally, the Board finds the sales provided by the board of review further support the conclusion the subject property is not overvalued for assessment purposes. The comparables provided by the board of review sold for prices ranging from \$395,000 to \$470,000 or from \$145.78 to \$186.88 per square foot of living area, including land. The subject's assessment reflects a market value of \$340,588 or \$172.01 per square foot of living area, including land, which is below the overall price range but with the range on a square foot basis established by the board of review comparable sales. The subject's assessment is well supported given the fact these sales did not have basements whereas the subject property has a partially finished basement.

The Board gave less weight to the comparable sales provided by the appellant as the evidence disclosed that two of the sales were foreclosures, calling into question the arm's length nature of their transactions, and there was a lack of descriptive data with respect to the third comparable to allow for a meaningful comparative analysis.

Based on this record 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



Acting 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: June 23, 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.