



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

APPELLANT: Jerardo & Jessica Rios
DOCKET NO.: 15-03813.001-R-1
PARCEL NO.: 04-18-308-001

The parties of record before the Property Tax Appeal Board are Jerardo & Jessica Rios, the appellants; 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: \$ 6,388
IMPR.: \$33,608
TOTAL: \$39,996

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 vinyl siding exterior construction that has 1,840 square feet of living area. The dwelling was constructed in 1998. The home features an unfinished basement, central air conditioning, a fireplace and a 440 square foot garage. The subject has a 13,719 square foot site. The subject property is located in Zion Township, Lake County, Illinois.

The appellants submitted evidence before the Property Tax Appeal Board claiming overvaluation and assessment inequity as the bases of the appeal. In support of these arguments, the appellants submitted three comparables located from .76 to 4.63 miles from the subject. The comparables consist of two-story dwellings of vinyl, aluminum or wood siding exterior construction that were built from 1991 to 1995. The comparables have unfinished basements, central air conditioning, a fireplace and a garage that range in size from 440 to 576 square feet of building area. The dwellings range in size from 2,004 to 2,083 square feet of living area and are situated on sites

that contain from 10,834 to 19,799 square feet of land area. The comparables sold from January 2013 to June 2013 for prices ranging from \$80,000 to \$102,000 or from \$39.92 to \$48.97 per square foot of living area including land. The comparables have improvement assessments ranging from \$35,358 to \$45,874 or from \$17.64 to \$22.02 per square foot of living area. Based on this evidence, the appellants requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject property of \$39,996. The subject's assessment reflects an estimated market value of \$120,000 or \$65.22 per square foot of living area including land area when applying the statutory level of assessment of 33.33%. The subject property has an improvement assessment of \$33,608 or \$18.27 per square of living area.

In support of the subject's assessment, the board of review submitted four comparables located from .07 to .13 of a mile from the subject. The comparables consist of two-story dwellings of vinyl siding exterior construction that were built from 1996 to 2000. The comparables have unfinished basements, central air conditioning, three comparables have a fireplace and each comparable has a garage that range in size from 400 to 660 square feet of building area. The dwellings range in size from 1,656 to 1,824 square feet of living area and are situated on sites that contain from 9,975 to 11,700 square feet of land area. The comparables sold from January 2013 to March 2015 for prices ranging from \$150,000 to \$228,316 or from \$82.24 to \$126.84 per square foot of living area including land. The comparables have improvement assessments ranging from \$34,338 to \$37,070 or from \$18.98 to \$21.04 per square foot of living area.

The board of review also submitted evidence showing the subject property sold in September 2014 for \$120,000 or \$65.22 per square foot of living rea including land. The board of review submitted the Real Estate Transfer Declaration associated with the sale of the subject property. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellants contend the market value of the subject property is not accurately reflected in its assessed valuation as a basis of the appeal. 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 appellants failed to overcome this burden of proof.

The record contains seven comparable sales and information pertaining to the sale of the subject property. The Board gave less weight to the comparable sales submitted by the appellants and comparable #3 submitted by the board of review. These comparables sold in 2013, which are dated and less indicative of market value as of the subject's January 1, 2015 assessment date. In addition, comparables #2 and #3 submitted by the appellants are located 4.63 and 4.01 miles from the subject, respectively, which is not proximate in location. The Board finds the remaining three comparable sales submitted by the board of review are more similar when compared to the subject in land area, location, design, age, dwelling size and features. They sold from July 2014 to March 2015 for prices of \$150,000 or \$155,000 or from \$82.24 to \$90.58 per square foot of living area including land. The subject's assessment reflects an estimated market

value of \$120,000 or \$65.22 per square foot of living area including land, which is less than the most similar comparable sales contained in the record. Therefore, no reduction in the subject's assessment is warranted based on comparable sales.

The Board further finds the best evidence of market value is the recent sale of the subject property in September 2014 for \$120,000. The Board finds the subject's sale meets the fundamental elements of an arm's-length transaction. The Real Estate Transfer Declaration submitted by the board of review indicates the buyer and seller were not related and the subject property was exposed to the open market. The Board finds there is no direct evidence the parties were under duress or compelled to buy or sell. The Illinois Supreme Court has defined fair cash value as what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d. 428, (1970). A contemporaneous sale of two parties dealing at arm's-length is not only relevant to the question of fair cash value but is practically conclusive on the issue of whether an assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). The subject's assessment reflects an estimated market value of \$120,000, identical to its recent arm's-length sale price. Therefore, no reduction in the subject's assessment is warranted based its recent arm's-length sale price.

The taxpayers also argued assessment inequity as an alternative 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 appellants failed to overcome this burden of proof.

The record contains seven assessment comparables for the Board's consideration. The Board gave less weight to comparables #2 and #3 submitted by the appellants due to their distant location when compared to the subject. The Board finds the remaining five comparables are more similar when compared to the subject in location, design, age, dwelling size and features. They have improvement assessments ranging from \$34,338 to \$37,070 or from \$17.64 to \$21.04 per square foot of living area. The subject property has an improvement assessment of \$33,608 or \$18.27 per square foot of living area, which falls below the range established by the most similar assessment comparables on an overall basis and within the range on a per square foot basis. After considering adjustments to the comparables for any differences when compared to the subject, the Board finds the subject's improvement assessment is supported. Therefore, no reduction in the subject's assessment is warranted.

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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Jerardo & Jessica Rios
9911 West Oak Forest Drive
Beach Park, IL 60099-3747

COUNTY

Lake County Board of Review
18 North County Street
7th Floor
Waukegan, IL 60085