



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

APPELLANT: Linda Conde
DOCKET NO.: 15-03832.001-R-1
PARCEL NO.: 04-15-118-033

The parties of record before the Property Tax Appeal Board are Linda Conde, 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 **A Reduction** 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: \$10,227
IMPR.: \$10,923
TOTAL: \$21,150

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 one-story dwelling of wood siding exterior construction with 1,286 square feet of living area. The dwelling was constructed in 1939. Features of the home include a cellar and one fireplace. The property has a 28,314 square foot site and is located in Zion, Benton Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. The appellant asserted the subject property is located in a flood plain next to the North Shore Sanitary pumping station. The appellant indicated that since the installation of the new system you smell sewer all the time. The appellant provided a copy of flood zone map depicting the subject property as being located in a flood zone.

In support of the overvaluation argument the appellant provided information on four comparable sales purported to be located in a flood plain close to the subject property that were improved

with one two-story dwelling and three one-story dwellings that range in size from 1,102 to 1,709 square feet of living area. The dwellings were constructed from 1925 to 1986. One comparable has a basement, one comparable has central air conditioning, one comparable has a fireplace, and three comparables have attached two-car garages. The comparables have sites ranging in size from 10,018 to 32,230 square feet of land area. The comparables sold from February 2013 to June 2015 for prices ranging from \$39,000 to \$70,111 or from \$27.14 to \$41.02 per square foot of living area, including land. These same comparables have land assessments ranging from \$6,339 to \$16,377 or from \$.42 to \$.63 per square foot of land area.

The appellant also provided assessment information on five comparables to demonstrate assessment inequity with respect to the land. The comparables have sites ranging in size from 8,712 to 37,700 square feet of land area. The comparables have land assessments that range from \$100 to \$1,393 or from \$.003 and \$.08 per square foot of land area.

Based on this evidence the appellant requested the subject's land assessment be reduced to \$6,000 and the improvement assessment be reduced to \$10,000 for a total revised assessment of \$16,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$33,634. The subject's assessment reflects a market value of \$101,368 or \$78.82 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 subject property has a land assessment of \$10,227 or \$.36 per square foot of land area.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales improved with one-story dwellings that ranged in size from 1,014 to 1,487 square feet of land area. The dwellings were constructed from 1942 to 1955. Each comparable has a basement, central air conditioning, and a garage ranging in size from 252 to 1,036 square feet of building area. Two comparables each have one fireplace. These properties have sites that range in size from 8,250 to 20,976 square feet of land. The sales occurred from August 2013 to July 2016 for prices ranging from \$110,000 to \$148,000 or from \$80.06 to \$145.96 per square foot of living area, including land.

The board of review also provided four land comparables located from .066 to .092 of a mile from the subject property that range in size from 23,120 to 30,616 square feet of land area. These properties have land assessments ranging from \$9,534 to \$10,503 or from \$.34 to \$.41 per square foot of land area.

In rebuttal, the board of review indicated appellant's comparable sale #1 was a Fannie Mae/REO foreclosure sale; appellant's comparable sale #2 was a HUD Owned/REO foreclosure sale; appellant's comparable sale #3 transferred with a Sheriff's Deed; and appellant's comparable sale #4 was a HUD Owned/REO foreclosure sale.

With respect to the land comparables used by the appellant the board of review indicated that appellant's land comparable #1 was unbuildable; appellant's land comparables #2, #3 and #5 were owned by Zion Benton Moose Lodge and were part of the Fraternal Organization

Assessment Freeze Program (35 ILCS 200/10-360); and appellant's land comparable #4 was owned by Lake County and was all floodplain and wetlands.

The board of review requested the subject's assessment be sustained.

In rebuttal the appellant asserted the board of review did not use comparables from the floodplain but were located in incorporated Winthrop Harbor. The appellant also indicated that sale #1 was not a ranch style property; comparable sale #2 sold in 2016; comparable sale #3 was a total rehab; and comparable sale #4 was a total rehab. The appellant further asserted that the board of review land comparables were located out of the flood plain. In support of these statements the appellant provided a copy of the Multiple Listing Sheet (MLS) listing for comparable #1 disclosing the property was improved with a Cape Code style (1.5-story dwelling); two MLS listing sheets for comparable #2 disclosing an original purchase price in June 2014 for \$60,100 and a subsequent sale after remodeling for \$144,000 in July 2016; a Property Tax Assessment Information by PIN document from Lake County on comparable #3 disclosing a previous sale in December 2014 for a price of \$36,000 and the subsequent sale in November 2015 for a price of \$148,000; and the MLS listing for comparable #4 disclosing the dwelling was rehabbed/remodeled in 2013 and has a finished basement.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The record contains eight improved sales provided by the parties to support their respective positions. The Board gives less weight to appellant's sale #1 as this property was improved with a two-story dwelling, which differs from the subject dwelling in style, and was much newer than the subject dwelling. The Board further finds the comparable sales provided by the board of review were superior to the subject property in age and features. The Board further finds the board of review comparables sales were superior to the subject in location in that these properties were not located in a flood plain and were not located near the North Shore Sanitary pumping station, as is the subject property. The documentation also revealed that comparables #2, #3 and #4 were rehabbed prior to their sales making them superior in condition to the subject dwelling. As a result of these differences, the Board gives less weight to the board of review comparable sales.

The Board finds the best evidence of the subject's market value to be comparable sales #2 through #4 provided by the appellant. The record indicated that these sales were the subject matter of foreclosures. 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 these sales in revising and correcting the subject's assessment.

These sales provided by the appellant sold from February 2013 to June 2015 for prices ranging from \$39,000 to \$45,601 or from \$27.14 to \$34.33 per square foot of living area, including land. These properties had varying degrees of similarity to subject property and were described by the appellant as being located in the flood plain, like the subject property. The Board finds that upward adjustments to the prices would be justified for the compulsory nature of the sales and possibly for time as comparables #2 and #3 sold in 2013. The Board further finds that board of review comparable #2 had a previous sale in June 2014, prior to being remodeled, for a price of \$60,100 or for \$49.30 per square foot of living area, including land, which is supportive of the appellant's overvaluation argument. The subject's assessment reflects a market value of \$101,368 or \$78.82 per square foot of living area, including land, which is above the range established by the best comparable sales in this record. Based on this evidence the Board finds a reduction in the subject's assessment is justified based on overvaluation.

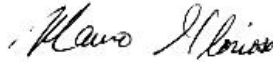
The appellant also made an assessment equity argument with respect to the subject's land assessment. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments by clear and convincing evidence. 86 Ill.Admin.Code 1910.63(e). After an analysis of the assessment data, the Board finds the appellant has not met this burden and a reduction in the subject's land assessment is not warranted on this basis.

The Board finds the best land comparables in the record are the appellant's comparables #1 through #4 as these properties, according to the appellant, were also located in the flood plain. These comparables have land assessments that ranged \$6,339 to 16,377 or from \$.42 to \$.63 per square foot of land area. The subject's land assessment of \$10,227 or \$.36 per square foot of land area falls below the range established by the best land comparables in this record on a square foot basis. The Board further finds the land comparables provided by the board of review were located in close proximity to the subject property and had land assessments ranging from \$.34 to \$.41 per square foot of land area, which also supported the subject's land assessment. The Board gave little weight to appellant's land comparables as the record indicated that land comparable #1 was unbuildable; land comparable #4 was owned by Lake County and was wetlands; and comparables #2, #3 and #5 were owned by Zion-Benton Moose Lodge and were receiving the preferential assessment provided by the Fraternal Organization Assessment Freeze

Program (35 ILCS 200/10-360). Based on this record the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's land assessment was inequitable and a reduction in the subject's land assessment is not justified.

In conclusion, the Board finds a reduction in the subject's assessment based on overvaluation is appropriate.

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



Acting Member

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: November 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 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

Linda Conde
201 North Green Bay Road
Waukegan, IL 60085

COUNTY

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