



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

APPELLANT: Mitchell Rattner
DOCKET NO.: 16-02420.001-R-1
PARCEL NO.: 01-24-412-039

The parties of record before the Property Tax Appeal Board are Mitchell Rattner, the appellant, by attorney Gregory Riggs of Tax Appeals Lake County in Lake Zurich; 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: \$13,300
IMPR.: \$62,881
TOTAL: \$76,181

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 2016 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 single-family dwelling of frame construction with 1,703 square feet of living area. The dwelling was constructed in 1959. Features of the home include a full unfinished basement, central air conditioning, two fireplaces and a 672-square foot garage. The property has a 10,454 square foot channel-front site and is located in Antioch Township, Lake County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant completed section IV of the Residential Appeal form disclosing the subject property was purchased from Tanya Wilson on November 11, 2015 for a price of \$39,965. The appeal petition indicated the property was advertised for sale by a sign but did not disclose for how long, that the

sale was by a contract for deed, and that the sale was not between related parties¹. Appellant submitted a copy of the Contract to Purchase Real Estate. This undated document shows a purchase price of “\$39,965.97 or more to be paid on Seller’s behalf to redeem the property from 2011 real estate taxes” and that the seller shall convey title by Quit Claim Deed. Appellant also submitted a copy of the Quit Claim Deed from Tanya M. Wilson to Maxx, Inc.

The appellant also submitted information on three comparable sales of properties located from .06 to .83 of a mile from the subject, none of which have the same neighborhood code as the subject.² The comparables consist of one, one-story, one, 1-1/2 story, and one, tri-level single-family dwelling of frame construction built from 1960 to 1966. The dwellings range in size from 1,334 to 2,428 square feet of living area. Comparables #1 and #2 have basements, one with finished area. Comparable #3, a tri-level dwelling, has a finished lower level. One comparable has central air conditioning and a fireplace. Each comparable has a garage ranging in size from 461 to 576 square feet of building area. The comparables are situated on channel-front sites ranging in size from 11,325 to 14, 810 square feet of land area. Appellant’s property grid shows that comparables #1 and #2 were sold through foreclosure. The board of review’s grid analysis of appellant’s comparables disclosed that comparable #3 was a short sale, sold in “As-Is” condition. The comparables sold from October 2014 to May 2016 for prices ranging from \$115,000 to \$129,900 or from \$47.36 to \$92.20 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$41,662 reflecting a market value of approximately \$124,986.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$76,181. The subject's assessment reflects a market value of \$229,738 or \$134.90 per square foot of living area, land included, when using the 2016 three-year average median level of assessment for Lake County of 33.16% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted information on three comparable sales, only one of which has the same neighborhood code as the subject. The comparables are located from .05 to .849 of a mile from the subject and consist of one, 1-1/4 story dwelling and two, 1-1/2-story single-family dwellings of frame or brick exterior construction built from 1950 to 1960. The dwellings range in size from 1,374 to 1,488 square feet of living area. One comparable has an unfinished basement, central air conditioning and a fireplace. Each comparable has a garage ranging in size from 480 to 576 square feet of building area. The comparables are situated on channel-front sites ranging in size from 6,007 to 47,441 square feet of land area. The comparables sold from September 2014 to June 2016 for prices ranging from \$205,000 to \$265,000 or from \$149.20 to \$179.30 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject’s assessment.

¹ The board of review submitted a copy of the PTAX-203 recorded concurrently with the Quit Claim Deed. The PTAX-203 shows a purchase price of \$40,000. It also shows that the property was not advertised for sale and that it was a “sale between related individuals or corporate affiliates.”

² Information concerning appellant’s comparables was supplement and/or corrected by a grid analysis submitted by the board of review.

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 parties submitted evidence regarding the subject's 2015 sale and six comparable sales to support their respective positions before the Property Tax Appeal Board. The Board gave less weight to the subject's sale as its purchase price was significantly below the purchase prices of any of the comparable sales submitted in the record. Also, according to the PTAX-203, the property was not advertised for sale and the sale was between related parties, which calls into question the arm's length nature of the transaction. The Board gave less weight to appellant's comparable #3 and board of review comparable #1 as their 2014 sales are less proximate in time to the subject's January 1, 2016 assessment date and, therefore, less indicative of market value as of that date.

The Board finds the remaining six comparables, while having varying degrees of similarity to the subject, sold more proximate in time to the assessment date at issue for prices ranging from \$115,000 to \$265,000 or from \$47.36 to \$179.30 per square foot of living area, including land. The subject's assessment reflects a market value of \$229,738 or \$134.90 per square foot of living area, including land, which is within the range established by the comparable sales submitted by both parties in this record. After adjusting the comparables for differences in dwelling size, lot size, and amenities when compared to the subject, 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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) 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



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 19, 2019



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

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