



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

APPELLANT: James Iversen
DOCKET NO.: 16-04122.001-R-1
PARCEL NO.: 08-20-404-040

The parties of record before the Property Tax Appeal Board are James Iversen, 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: \$7,083
IMPR.: \$5,307
TOTAL: \$12,390

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 1.5-story dwelling of aluminum siding exterior construction with 1,205 square feet of living area. The dwelling was constructed in 1901. Features of the home include a full unfinished basement and a 600 square foot garage. The property has a 7,703 square foot site and is located in Waukegan, Waukegan Township, Lake County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted evidence in Section IV – Recent Sale Data disclosing the subject property was purchased on May 26, 2016 for a price of \$32,200. As part of the appeal, the appellant reported the subject was purchased from Wells Fargo, the parties to the transaction were not related and the property was advertised for sale on multiple internet sites for an unknown period of time prior to sale. The property was sold in settlement of a foreclosure action and the subject was described as "vacant and un-habitable" by the appellant. Also included with the appeal was a

copy of the Special Warranty Deed transferring the ownership of the property from Wells Fargo Bank, N.A., to the appellant.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$12,390.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$20,350. The subject's assessment reflects a market value of \$61,369 or \$50.93 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.

As an initial matter, the board of review reported that a request was made by certified mail to the appellant to conduct a field inspection of the subject property in accordance with Section 1910.94 of the procedural rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.94). The letter was dated March 13, 2018 and postmarked on that date. There is no copy of a signed certified mailing postcard to indicate the appellant accepted the mailing. Based upon copies of the mailing supplied by the board of review, the mailing must have been eventually returned to the Lake County Board of Review along with the new mailing address for the appellant which was the address of the subject property. In a memorandum, the board of review reported the certified letter was "forwarded to that address" (copy of certified mail receipt was provided) and as of April 11, 2018, the appellant has not contacted the board of review to arrange an inspection.

As part of the board of review submission, a copy of the PTAX-203 Illinois Real Estate Transfer Declaration concerning the sale of the subject property was provided. The document depicts that the property transferred via Warranty Deed, was advertised prior to sale and was sold as part of an "auction sale." The board of review also submitted five photographs depicting the subject property on April 11, 2018. The photographs of the exterior of the dwelling depict a home in a good state of repair as of that date. The record also contains a copy of an Order Approving Foreclosure Report of Sale and Distribution and Order for Possession and Deed as well as a copy of the Sheriff's Deed Transferring the property to Wells Fargo Bank, N.A.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales located within a half mile of the subject property. The board of review asserted these comparables were in the "subject's immediate market area/assessment neighborhood and are similar in overall market appeal, size, age and overall amenities" to the subject property. The comparable parcels range in size from 5,845 to 9,948 square feet of land area and have been improved with either a 1.5-story or a two-story dwelling of either brick or wood siding exterior construction. The dwellings were built between 1920 and 1952 and range in size from 1,196 to 1,465 square feet of living area. Each dwelling has a full unfinished basement, two of the comparables have central air conditioning, one comparable has a fireplace and each dwelling has a garage ranging in size from 288 to 744 square feet of building area. The comparables sold between December 2014 and June 2017 for prices ranging from \$71,888 to \$92,538 or from \$49.15 to \$64.58 per square foot of living area, including land.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

Section 1910.94 of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.94) provides as follows:

- a) No taxpayer or property owner shall present for consideration, nor shall the Property Tax Appeal Board accept for consideration, any testimony, objection, motion, appraisal critique or other evidentiary material that is offered to refute, discredit or disprove evidence offered by an opposing party regarding the description, physical characteristics or condition of the subject property when the taxpayer or property owner denied a request made in writing by the board of review or a taxing body, during the time when the Board was accepting documentary evidence, to physically inspect and examine the property for valuation purposes.
- b) Any motion made to invoke this Section shall incorporate a statement detailing the consultation and failed reasonable attempts to resolve differences over issues involving inspection with the taxpayer or property owner. [Emphasis added.]

While the board of review timely made a request for inspection in writing which was sent by certified mail, the board of review, as set forth in subsection (b), must not only make a motion to invoke this section, but must also provide a statement detailing the consultation and failed reasonable attempts to resolve differences over inspection with the property owner. The board of review, while raising the inspection issue, provided no data as to the consultation attempts and/or inability to resolve differences over inspection. Therefore, on this record, the Property Tax Appeal Board gives no weight to the arguments made by the board of review regarding the denial of an inspection request as the board of review has not complied with all required aspects of the procedural rule on this record.

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 Board finds the best evidence of market value to be the purchase of the subject property in May 2016 for a price of \$32,200. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related and the property was sold after advertising on the open market on the Internet. In further support of the transaction the board of review submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration reiterating the date of purchase, purchase price and that the property had been advertised prior to the auction sale.

Public Act 96-1083 amended the Property Tax Code adding sections 1-23 and 16-183 (35 ILCS 200/1-23 & 16-183), effective July 16, 2010. Section 1-23 of the Property Tax Code provides the definition:

Compulsory sale. "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. [Emphasis added.]

Section 16-183 provides:

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. [Emphasis added.]

The Board finds the effective date of these statutes precedes the assessment date at issue of January 1, 2016. Furthermore, no legislative changes have been made to these provisions since their enactment. The Property Tax Appeal Board finds these statutes are instructive as to the appellant's 2016 assessment of the subject property. If comparable foreclosure sales may be presented to revise the assessment of a given property, the Property Tax Appeal Board finds it is also appropriate to similarly consider the "compulsory sale" of the subject property in revising and correcting the subject's assessment.

On this record, the Property Tax Appeal Board finds the purchase price of the subject property in May 2016 of \$32,200 is below the market value reflected by the assessment of \$61,369. The Board further finds the board of review did not present any evidence to challenge the arm's length nature of the subject's sale transaction or to refute the contention that the purchase price was reflective of the subject's market value. To the extent that the Lake County Board of Review provided four suggested comparable sales to refute the contention that the purchase price of the subject property was reflective of its market value, the Property Tax Appeal Board finds these comparable sales were dissimilar to the subject in that each is newer than the subject dwelling; two have amenities of air conditioning and/or a fireplace that are not present in the subject dwelling; and comparables #2 and #3 differ in design from the subject dwelling. Furthermore, comparable #2 sold in December 2014, a date remote in time from the assessment date at issue of January 1, 2016.

The appellant also described the subject as vacant and uninhabitable. The board of review provided photographs of the subject property to refute this statement, however, the photographs were taken in April 2018 and not shown to be representative of the subject property as of the assessment date or at the time of purchase.

Based on this record, the Property Tax Appeal Board finds the best evidence of the market value of the subject property as of the assessment date at issue is its May 2016 sale price of \$32,200.

This sale price occurred five months after the valuation date at issue as of January 1, 2016. Therefore, based on this record the Board finds the subject's assessment is not reflective of market value and a reduction in the subject's assessment commensurate with the appellant's request is 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



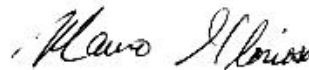
Member

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: January 21, 2020



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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