



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

APPELLANT: Francisco Charrez
DOCKET NO.: 16-04451.001-R-1
PARCEL NO.: 08-29-319-007

The parties of record before the Property Tax Appeal Board are Francisco Charrez, 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: \$7,273
IMPR.: \$14,392
TOTAL: \$21,665

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 one-story dwelling of brick exterior construction with 1,064 square feet of living area. The dwelling was constructed in 1959. Features of the home include a full unfinished basement, central air conditioning and a 240 square foot garage. The property has a 7,910 square foot site and is located in Waukegan, Waukegan Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on six comparable sales located within different neighborhoods from .51 to 3.56 miles from the subject property. The comparables consist of one-story dwellings of brick or wood siding exterior construction ranging in size from 1,008 to 1,218 square feet of living area. The dwellings were constructed from 1953 to 1967. Each comparable has a full unfinished basement; one comparable has central air conditioning and a fireplace; and five comparables each have a garage ranging in size from 352 to 576 square feet of building area. The comparables have sites ranging in size from 5,000 to 7,284 square feet of land area. The

comparables sold from November 2015 to December 2016 for prices ranging from \$25,000 to \$49,000 or from \$24.80 to \$45.79 per square foot of living area, including land. Based on this evidence the appellant 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 of \$26,025. The subject's assessment reflects a market value of \$78,483 or \$73.76 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 a copy of the 2015 Illinois Real Estate Transfer Declaration for the subject property. This document indicates the subject property was advertised for sale and sold in September 2015 for \$65,000 or \$61.09 per square foot of living area including land. In further support of its assessment, the board of review also submitted information on four comparable sales located within .235 of a mile of the subject. The comparables were improved with one-story dwellings of aluminum siding, brick or wood siding exterior construction that range in size from 1,074 to 1,218 square feet of living area. The dwellings were constructed from 1952 to 1965. Each comparable has a partial or full unfinished basement; three comparables have central air conditioning; two comparables each have one fireplace; and each comparable has a garage ranging in size from 308 to 528 square feet of building area. The comparables have sites ranging in size from 7,919 to 9,361 square feet of land area. These properties sold from January 2014 to May 2015 for prices ranging from \$89,888 to \$107,000 or from \$76.77 to \$99.63 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

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 information on ten comparable sales and the recent sale of the subject property for the Board's consideration. The Board finds the best evidence of market value contained in this record is the sale of the subject property in September 2015 for \$65,000, three months prior to the January 1, 2016 assessment date. The Board finds the subject's sale meets the fundamental elements of an arm's-length transaction. The Real Estate Transfer Declaration 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 \$78,483 or \$73.76, which is more than its recent arm's-length sale price of \$65,000. This evidence suggests the subject property is overvalued. Furthermore, the Property Tax Appeal Board gave less weight to the comparable sales in the record as these sales do not overcome the subject's arm's length-transaction. In addition, the appellant's comparables are located outside of the subject's neighborhood and board of review comparables #2, #3 and #4 sold too remote in time to the subject's January 1, 2016 assessment date.

Based on this record, the Board finds a reduction in the subject's assessment to reflect the subject's most recent sale price of \$65,000 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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