



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

APPELLANT: Joseph Sjoblom
DOCKET NO.: 17-03370.001-R-1
PARCEL NO.: 16-28-214-013

The parties of record before the Property Tax Appeal Board are Joseph Sjoblom, the appellant, by attorney Steven Kandelman of Rieff Schramm Kanter & Guttman, in Chicago; 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: \$ 56,623
IMPR.: \$116,586
TOTAL: \$173,209

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 16-185 of the Property Tax Code (35 ILCS 200/16-185) challenging the assessment for the 2017 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 tri-level dwelling of wood siding exterior construction that contains 3,124 square feet of living area. The dwelling was constructed in 1964. Features of the home include central air conditioning and a garage with 440 square feet of building area. The subject property is located in West Deerfield Township, Lake County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased in September 2015 for \$522,500. The appellant completed Section IV of the residential appeal petition disclosing the buyer and seller were unrelated parties. The appellant indicated the property was sold through a Realtor and was advertised for sale in the Multiple Listing Service (MLS), the internet and local newspaper. The appellant also submitted a copy of the Real Estate Transfer Declaration

associated with the sale of the subject property. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$201,436. The subject's assessment reflects a market value of \$607,650 or \$194.51 per square foot of living area including land when applying the 2017 three-year average median level of assessment for Lake County of 33.15%.

In support of the subject's assessment, the board of review submitted four comparable sales located within .309 of a mile from the subject. The comparables consist of two-story dwellings of brick construction that were built from 1963 to 1969. The comparables have unfinished basements, central air conditioning, one to three fireplaces and each comparable has a garage that range in size from 462 to 775 square feet of building area. The subject's or comparables' land sizes were not disclosed. The dwellings range in size from 2,876 to 3,534 square feet of living area. The comparables sold from May 2016 to July 2018 for prices ranging from \$570,000 to \$1,150,000 or from \$198.19 to \$325.41 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of the subject's market value to be its purchase in September 2015 for \$552,500, 15 months prior to the January 1, 2017 assessment date. The appellant provided evidence demonstrating the sale had elements of an arm's length transaction. The evidence disclosed the parties to the transaction were not related and the property was advertised for sale on the open market. The appellant also submitted a copy of the Real Estate Transfer Declaration associated with the sale. The Board finds the subject's purchase price of \$522,500 is below the market value as reflected by its assessment of \$607,650. The board of review did not submit any evidence to challenge the arm's-length nature of the subject's sale. 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 Board gave little weight to the four dissimilar comparable sales submitted by the board of review. The comparables are of a different two-story design; two comparables have more bathrooms; each comparable has a superior unfinished basement; each comparable has at least one fireplace; and the board of review failed to disclose the subject's and comparables' land

sizes for comparison purposes. These factor detract from the weight of the evidence to be considered reliable indicators of the subject's market value.

Based on this record, the Board finds a reduction in the subject's assessment is justified. Since fair market value has been established, Lake County's 2017 three-year average median level of assessment of 33.15% shall apply.

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: July 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

AGENCY

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