



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

APPELLANT: Daniel Graff  
DOCKET NO.: 18-02584.001-R-1  
PARCEL NO.: 08-20-208-016

The parties of record before the Property Tax Appeal Board are Daniel Graff, the appellant, by attorney Ronald Kingsley of Lake County Real Estate Tax Appeal, LLC in Lake Forest; 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:** \$6,093  
**IMPR.:** \$22,808  
**TOTAL:** \$28,901

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 2018 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 and one-half-story dwelling of wood siding exterior construction with 1,520 square feet of living area. The dwelling was constructed in 1930. Features of the home include an unfinished basement, central air conditioning and a 216 square foot garage. The property has a 5,095 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 disclosing the subject property was purchased on April 27, 2018 for a price of \$55,000.<sup>1</sup> The appellant's counsel reported that the subject property was purchased from Kondaur Capital Corporation, the parties to the transaction were not related and the property was

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<sup>1</sup> The settlement statement disclosed the date of sale as April 27, 2018 which differs from the appeal petition which depicts the date of sale as April 19, 2018.

advertised using a realtor. The appellant submitted copies of the Listing and History Report and the Multiple Listing Service (MLS) sheet disclosing the property sold out of foreclosure after having been advertised for 16 days. A copy of the Settlement Statement reflects the purchase price, date of sale and that commissions were paid to two realty agencies. 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 \$28,901. The subject's assessment reflects a market value of \$87,367 or \$57.48 per square foot of living area, land included, when using the 2018 three-year average median level of assessment for Lake County of 33.08% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales located from .282 to .388 of a mile from the subject property. The comparables have sites that range in size from 5,824 to 7,455 square feet of land area. The comparables are improved with one and one-half-story dwellings of brick exterior construction ranging in size from 1,382 to 1,603 square feet of living area. The dwellings were constructed from 1930 to 1952. Three comparables each have an unfinished basement, two comparables have central air conditioning, one comparable has a fireplace and each comparable has a garage ranging in size from 216 to 380 square feet of building area. The properties sold from July 2017 to August 2018 for prices ranging from \$110,000 to \$160,000 or from \$73.14 to \$110.35 per square foot of living area, land included. The board of review also provided a copy of the MLS sheet associated with the subject's sale which noted that "offers must include proof of funds (POF) and will be reviewed after 7 days on the market." Based on this evidence, the board of review requested the subject's assessment be sustained.

### **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 have not met this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the evidence disclosed that the appellant purchased the subject property on April 27, 2018 for a price of \$55,000 from Kondaur Capital Corporation. 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, the property was sold by a realtor and the property had been advertised on the open market. In further support of the transaction the appellant submitted a copy of the settlement statement and the MLS sheet associated with the purchase of the subject property. The Board finds, however, the fact the property was REO (real estate owned) by Kondaur Capital Corporation and sold out of foreclosure calls into question whether the purchase price is reflective of fair cash value. Thus, the Board has given little weight to the subject's purchase price in determining its correct assessment.

The board of review presented four suggested comparables for the Board's consideration. The Board gave less weight to board of review comparables #3 and #4 which differ from the subject in age and/or foundation type.

The Board finds the best evidence of market value in the record to be board of review comparable sales #1 and #2. These two comparables are similar to the subject in location, dwelling size, design, age and features. They sold in August and June 2018 for prices of \$129,900 and \$160,000 or for \$85.46 and \$99.81 per square foot of living area, land included, respectively. The Board finds these sales demonstrate the subject's purchase price of \$55,000 or \$36.18 per square foot of living area, land included, is not representative of fair cash value. The subject's assessment reflects a market value of \$87,367 or \$57.48 per square foot of living area, including land, which is below the best comparable sales in the record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject is not overvalued and no reduction in the subject's assessment is warranted.

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:

February 16, 2021



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

Daniel Graff, by attorney:  
Ronald Kingsley  
Lake County Real Estate Tax Appeal, LLC  
13975 W. Polo Trail Drive  
#201  
Lake Forest, IL 60045

COUNTY

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