



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

APPELLANT: David Kemp
DOCKET NO.: 16-04517.001-R-1
PARCEL NO.: 06-13-401-016

The parties of record before the Property Tax Appeal Board are David Kemp, the appellant, by attorney Robert Rosenfeld, of Robert H. Rosenfeld and Associates, LLC 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: \$9,850
IMPR.: \$43,478
TOTAL: \$53,328

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 frame exterior construction with 1,410 square feet of living area. The dwelling was constructed in 1995. Features of the home include a full basement with finished area, central air conditioning and a 440 square foot garage. The property has a 7,500 square foot site and is located in Third Lake, Avon 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 October 2014 for a price of \$160,000. The appellant completed Section IV – Recent Sale Data of the appeal identifying the seller as Miguel A. Deniz and indicated the parties were not related. The appellant also indicated the property was sold through Century 21 and had been listed in the Multiple Listing Service (MLS) for 41 days. To document the sale the appellant submitted a copy of the Settlement Statement (HUD-1) which depicted the payment of brokers' fees to two entities. 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 \$65,811. The subject's assessment reflects a market value of \$198,465 or \$140.76 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 information on four comparable sales which were located from 1.297 to 1.361 miles from the subject property. The comparables were improved with one-story dwellings of frame exterior construction having 1,249 to 1,556 square feet of living area. The dwellings were constructed from 1994 to 2003. Three of the comparables have a full or partial basement, one of which has finished area. Each comparable has central air conditioning and one comparable has a fireplace. Additionally, each comparable has a garage ranging in size from 400 to 441 square feet of building area. The comparables have sites ranging in size from 2,368 to 8,712 square feet of land area. These properties sold from April 2014 to August 2017 for prices ranging from \$155,000 to \$280,000 or from \$120.50 to \$184.82 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 appellant has relied upon the October 2014 purchase price and the board of review submitted four comparable sales for the Board's consideration. The Board gave less weight to the board of review comparables due to their distant locations to the subject property.

The Board finds the best evidence of market value in the record to be the sale of the subject property. The subject sold in October 2014 for a price of \$160,000 or \$113.48 per square foot of living area, including land. The subject's assessment reflects a market value of \$198,465 or \$140.76 per square foot of living area, including land. The Board finds the October 2014 purchase price is below the market value reflected by the assessment. The Board also finds the board of review did not provide substantive evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. Based on this limited record, the Board finds a reduction commensurate with the appellant's request is appropriate.

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 13, 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

AGENCY

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