



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

APPELLANT: Edward & Anita Jung
DOCKET NO.: 07-02200.001-R-1
PARCEL NO.: 15-36-302-002

The parties of record before the Property Tax Appeal Board are Edward & Anita Jung, the appellants; and the Lake County Board of Review.

Based on the facts and exhibits presented, 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: \$146,419
IMPR.: \$125,575
TOTAL: \$271,994

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story frame dwelling containing 4,266 square feet of living area. The dwelling has a concrete slab foundation, central air conditioning, and a 482 square foot garage.

The appellants submitted documentation before the Property Tax Appeal Board claiming the subject's property is overvalued and inequitably assessed. In support of these claims, the appellants indicated the subject property was purchased in October 2005 for \$820,000. In addition, the appellants provide photographs and information on four suggested comparables. The comparables consist of a split-level, a one-story and two, two-story frame dwellings that were built from 1943 to 1979 and range in size from 1,960 to 3,434 square feet of living. One comparable has a partial unfinished basement, two comparables have partial finished basements and one comparable does not have a basement. Other features include central air conditioning, one to three fireplaces and garages ranging in size from 444 to 1,020 square

feet. Comparables 2 and 3 have two garages. The comparables have improvement assessments ranging from \$58,731 to \$106,849 or from \$17.47 to \$37.21 per square foot of living area. The subject property has an improvement assessment of \$133,982 or \$31.40 per square foot of living area.

The comparables also sold from April 2005 to October 2006 for prices ranging from \$715,000 to \$857,500 or from \$212.73 to \$437.50 per square foot of living area including land. The appellant argued all the comparables are assessed for less than their most recent sale prices, where the subject is assessed higher than its sale price. Based on this evidence, the appellants requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$280,401 was disclosed. The subject's assessment reflects an estimated market value of \$845,345 or \$198.16 per square foot of living area including land using Lake County's 2007 three-year median level of assessments of 33.17% as determined by the Illinois Department of Revenue. No documentary evidence in support of the subject's assessed valuation was submitted by the board of review.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Property Tax Appeal Board further finds a reduction in the subject property's assessment is warranted.

The appellants argued the subject property is overvalued. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 183, 728 N.E.2d 1256 (2nd Dist. 2000). The Board finds the appellants have overcome this burden. 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 property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be practically conclusive on the issue of whether an assessment is reflective of market value. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369 (1st Dist. 1983), People ex rel. Munson v. Morningside Heights, Inc., 45 Ill.2d 338 (1970), People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967); and People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945). Based on this record, the Board finds the best evidence of the subject's fair market is its October 2005, sale price of \$820,000. This sale occurred fourteen months prior to the subject's January 1, 2007, assessment date at issue in this appeal. The Property Tax Appeal Board further finds

there is no evidence suggesting the subject's transaction was not arm's-length.

The appellants also argued unequal treatment in the assessment process. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. The Board finds the comparables submitted by the appellants are considerably smaller size than the subject. In addition, two comparables are of a dissimilar design and one comparable is considerably older when compared to the subject. The comparables have wide ranging improvement assessments from \$58,731 to \$106,849 or from \$17.47 to \$37.21 per square foot of living area. After the assessment reduction granted for market value considerations, the subject property has a revised improvement assessment of \$125,575 or \$29.44 per square foot of living area. After considering adjustments to the comparables for the aforementioned differences when compared to the subject, the Board finds no further reduction is warranted based upon the principals of uniformity.

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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

Shawn R. Lerbis

Member

DISSENTING:

C E R T I F I C A T I O N

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: April 23, 2010

Allen Castrovillari

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 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 the subsequent year 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.

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.