



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

APPELLANT: Ruben Flores
DOCKET NO.: 07-02377.001-R-1
PARCEL NO.: 07-18-213-031

The parties of record before the Property Tax Appeal Board are Ruben Flores, the appellant, by attorney Edward Larkin, of Larkin & Larkin in Park Ridge; and the Lake County Board of Review.

Based on the facts and exhibits presented, 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: \$18,862
IMPR.: \$94,366
TOTAL: \$113,228**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 6,970 square foot parcel improved with an 11 year-old, two-story style frame dwelling that contains 2,184 square feet of living area. Features of the home include central air conditioning, a fireplace, a 420 square foot garage and a partial basement with 680 square feet of finished area.

Through his attorney, the appellant appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a copy of the settlement statement documenting the subject's sale on March 11, 2005 for \$290,000. The appellant also submitted a bill of sale which states "All personal property as stated in the real estate contract dated 11/10/04 as listed and stipulated therein or as agreed between the parties." The bill of sale does not specify the types, quantities, or value of the purported personal property, but counsel for the appellant asserted in a brief that the value was \$14,500. The appellant did not submit the real estate sales contract. The appellant argued the net

sale price of the subject was actually \$275,500 after subtracting \$14,500 for the personal property from the stated sale price of \$290,000, and requested the subject's assessment be reduced to \$91,824, reflecting a market value of \$275,500.

The board of review submitted its Board of Review Notes on Appeal wherein the subject's total assessment of \$113,228 was disclosed. The subject has an estimated market value of \$341,357 or \$156.30 per square foot of living area including land, as reflected by its assessment and Lake County's 2007 three-year median level of assessments of 33.17%.

In support of the subject's assessment, the board of review submitted a letter, property record cards and a grid analysis of three comparable sales located in the same assessor's assigned neighborhood code as the subject. The comparables consist of two-story frame dwellings that were built in 1996 or 1997 and range in size from 2,072 to 2,252 square feet of living area. Features of the comparables include full or partial unfinished basements and garages that contain from 420 to 570 square feet of building area. Two comparables have central air conditioning and a fireplace. The comparables sold between November 2006 and February 2007 for prices ranging from \$343,500 to \$346,000 or from \$152.75 to \$166.99 per square foot of living area including land. The board of review also submitted the PTAX 203 Real Estate Transfer Declaration that details the subject's sale in March 2005 for \$290,000. This document indicates no personal property was included in the transaction, as also noted in the board of review's letter. Based on this evidence, the board of review requested the subject's assessment be confirmed.

After hearing the testimony 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 no reduction in the subject property's assessment is warranted.

The appellant contends overvaluation as the basis of the appeal. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). After analyzing the market evidence submitted, the Board finds the appellant has failed to meet this burden.

The appellant argued the subject's March 2005 sale for \$290,000 actually included \$14,500 of personal property which should be subtracted from the purchase price, resulting in a net consideration of \$275,500. The appellant contends this adjusted sale price is the best indication of the subject's market value as of the January 1, 2007 assessment date at issue in this appeal. However, the bill of sale referred to by the appellant does not provide an itemized breakdown of the types, quantities, or value of the purported personal property. The appellant referred also to a real estate sales contract, but failed to

submit said contract. The board of review submitted the PTAX 203 Real Estate Transfer Declaration that documents the subject's March 2005 sale. The declaration indicates no personal property was included in the \$290,000 purchase price. The Board finds the appellant has failed to support with adequate documentation his contention that the aforementioned sale included the purported personal property. Therefore, the Property Tax Appeal Board finds the subject's full actual consideration of \$290,000, as detailed on the transfer declaration, represents the subject's value on the March 2005 date of transfer. However, the Board finds this sale occurred nearly two years prior to the subject's January 1, 2007 assessment date. The appellant submitted no evidence to demonstrate that the subject's market value had not changed in the interim.

Conversely, the board of review submitted three comparable sales in support of the subject's assessment. The comparables were similar to the subject in terms of design, age, size, location and most features and sold for prices ranging from \$152.75 to \$166.99 per square foot of living area including land. The subject's estimated market value as reflected by its assessment of \$156.30 falls within this range and is better supported by the board of review's comparable sales, which occurred within two months of the subject's January 1, 2007 assessment date, than by the subject's March 2005 sale.

Based on this analysis, the Board finds the appellant has failed to prove overvaluation by a preponderance of the evidence and the subject's assessment as determined by the board of review is correct and no reduction 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.

Ronald R. Guit

Chairman

Member

Mario M. Louie

Member

Member

William R. Loras

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: September 24, 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.