



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

APPELLANT: Eugene Potoczek
DOCKET NO.: 08-05245.001-R-1
PARCEL NO.: 05-15-104-075

The parties of record before the Property Tax Appeal Board are Eugene Potoczek, the appellant; 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: \$ 50,726
IMPR.: \$ 47,160
TOTAL: \$ 97,886

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of an owner occupied residential property located in Grant Township, Lake County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming the subject's assessment was not reflective of its fair market value. In support of this claim, the appellant submitted an analysis of four suggested comparable sales with varying degrees of similarity and dissimilarity when compared to the subject. They sold from December 2006 to May 2009 for prices ranging from \$200,000 to \$245,000. The appellant argued that since the value of houses are still falling and foreclosures are lowering house and land values, the subject property did not increase in value. The appellant argued the subject's 2008 assessment should be the same as the 2007 assessment. Based on this evidence, the appellant requested the subject's assessment be reduced to \$88,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$97,886 was disclosed. The subject's assessment reflects an estimated market

value of \$294,571 using Lake County's 2008 three-year median level of assessments of 33.23%.

The board of review's evidence disclosed the subject property was the subject matter of appeal before the Property Tax Appeal Board the prior year under docket numbers 07-00724.001-R-1. In that appeal, the Property Tax Appeal Board rendered a decision lowering the subject's assessment to \$95,127 based on an agreement between the parties that was supported by the evidence in the record. The evidence further shows the board of review lowered the subject's 2008 assessment from \$111,886 to \$97,886, which reflects the Property Tax Appeal Board's 2007 decision of \$95,127 plus application of the township equalization factor of 1.0290. The board of review argued this action is supported by Section 16-185 of the Property Tax Code, which provides:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. (35 ILCS 200/16-185)

Based on this evidence, the board of review requested confirmation of the subject's assessment.

After considering the evidence and reviewing the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board finds no change in the subject's assessment is warranted.

The appellant argued the subject property was overvalued. However, the Property Tax Appeal Board finds the record shows subject property was the subject matter of an appeal the prior assessment year under Docket Number 07-00724.001-R-1. In that appeal, the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property based on an agreement between the parties that was supported by the evidence in the record. The evidence further indicates the subject property is an owner occupied residential property. 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 on which a residence occupied by the owner is situated, such reduced assessment, **subject to equalization, shall remain in effect for the remainder of the general assessment period** (Emphasis Added) as provided in

Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. (35 ILCS 200/16-185)

Based on this statutory language, the Board finds its 2007 assessment decision shall be carried forward to the subsequent assessment year of the same general assessment period plus application of equalization factor, if any. The record contains no evidence indicating the subject property sold in an arm's-length transaction subsequent to the Board's prior year's decision or that the assessment year in question is in a different general assessment period. The Board finds the subject's final assessment for the 2008 assessment year, as calculated by the board of review, follows the directives outlined in Section 16-185 of the Property Tax Code. (35 ILCS 200/16-185). Therefore, the Board finds 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.

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: August 19, 2011

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.