



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

APPELLANT: BABA Enterprise, Inc.
DOCKET NO.: 10-01684.001-C-1
PARCEL NO.: 12-07-302-016

The parties of record before the Property Tax Appeal Board are BABA Enterprise, Inc., the appellant, 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: \$87,745
IMPR: \$62,255
TOTAL: \$150,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 38,333 square feet of land area improved with a one-story, 3,604 square foot, single tenant, masonry constructed car wash/oil change facility. The building was constructed in 1997. The property is located in North Chicago, Shields Township, Lake County.

The appellant contends overvaluation with respect to the 2010 tax year as the basis of the appeal. In support of this argument the appellant indicated the subject property was purchased in December 2010 for a price of \$320,001. The appellant completed Section IV of the appeal form disclosing the property was purchased from the Lake County Sheriff's Office at an auction. The appellant indicated the property had been advertised for sale for three years. The appellant submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration documenting the December 2010 sale for a price of \$320,001. The transfer declaration indicated the transaction was a court ordered sale.

In further support of the overvaluation argument the appellant submitted a portion of an appraisal of the subject property prepared and approved by Malcolm Williamson, associate real estate trainee appraiser, and Michael Halliburton, certified general appraiser, of Peterson Appraisal Group, Ltd. The purpose

of the appraisal was to estimate the market value of the fee simple interest in the real estate for Inland Bank as a basis for a lending decision. In estimating the market value of the subject property the appraisers developed both the cost approach to value and the sales comparison approach to value. The appraisers estimated the subject property had a market value of \$450,000 as of September 23, 2010. The table of contents indicated the report had 104 pages; however, the copy of the appraisal submitted by the appellant was only through page 41. The portion of the appraisal submitted by the appellant excluded the improvement data, highest and best use analysis and the appraisal procedures. The appraisers stated on page 9 of the report that the property was currently listed for a price of \$499,000 and had been on the market for 1½ years.

Based on this evidence the appellant requested the subject's assessment be reduced to \$106,656 to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject property totaling \$154,853 was disclosed. The subject's assessment reflects a market value of \$471,251 using the 2010 three year average median level of assessments for Lake County of 32.86%.

The board of review argued that the December 2010 sale of the subject property was not an arm's length transaction because it was a forced Sheriff's sale. It further noted that the appellant had submitted an appraisal for Inland Bank, Oakbrook, Illinois with a valuation date of September 23, 2010 and a market value estimate of \$450,000. The board of review also asserted the property had been listed on the market prior to the 2010 sale for a price of \$499,000. Based on this record the board of review requested the Property Tax Appeal Board to approve a stipulation to the appraised market value of \$450,000.

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 the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean 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 to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). When market

value is the basis of the appeal the value of the property 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). 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 evidence in the record supports a reduction in the subject's assessment.

Initially, the Board gives little weight to the sale of the subject property that occurred in December 2010 for a price of \$320,001. The record disclosed the sale was the subject of a court ordered Sheriff's sale. The Board finds this is not the type of sale that can be considered an arm's length transaction reflective of fair cash value defined as, "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). A court ordered sale is one that is not sold in the due course of business and there are also the elements of duress and an unwilling seller. As a result the Board gives little weight to the reported sale.

The record also contains a portion of an appraisal prepared for Inland Bank estimating the subject property had a market value of \$450,000 as of September 23, 2010. Furthermore, both the appraisal and the Lake County Board of Review asserted the property had been listed on the market for a price of \$499,000. Considering the fact that the subject had been listed on the open market and appraised for an estimated market value of \$450,000, the Board finds the request of the Lake County Board of Review to reduce the subject's assessment to reflect the appraised market value is appropriate and a reduction in the subject's assessment is accordingly 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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 19, 2013

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.