



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

APPELLANT: Jeremy Gerber  
DOCKET NO.: 11-03500.001-R-1  
PARCEL NO.: 14-04-404-009

The parties of record before the Property Tax Appeal Board are Jeremy Gerber, the appellant, by attorney Leonard Schiller of Schiller Klein, PC, Chicago; 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:** \$ 42,880  
**IMPR.:** \$ 126,010  
**TOTAL:** \$ 168,890

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 2011 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 two-story dwelling of brick and frame construction with 4,054 square feet of living area. The dwelling was constructed in 1989. Features of the home include a 1,898 square foot unfinished basement, central air

conditioning, a fireplace and an 888 square foot attached garage. The property has a 42,485 square foot site. The subject property is located Ela Township, Lake County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted a sales contract and a Real Estate Transfer Declaration disclosing the subject property was purchased on March 23, 2009 for a price of \$360,000 or \$88.80 per square foot of living area including land. The appellant did not complete Section IV of the residential appeal petition disclosing the terms of the transaction. The Real Estate Transfer Declaration indicates the seller was a financial institution and the property advertised for sale. 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 \$168,890. The subject's assessment reflects a market value of \$520,944 or \$128.50 per square foot of living area including land included, when using the 2011 three-year average median level of assessment for Lake County of 32.42% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales located in the subject's subdivision. The comparables were similar to the subject in location, land area, style, age and most features, but smaller in dwelling size when compared to the subject. The comparables sold from August 2010 to June 2012 for sale prices ranging from \$390,000 to \$495,000 or from \$136.17 to \$171.04 per square foot of living area including land.

With respect to the evidence submitted by the appellant, the board of review argued the subject's sale occurred over 20 months prior to the subject's January 1, 2011 assessment date and sold through foreclosure. In addition, subsequent to its sale the subject dwelling had new exterior siding installed and landscape work, suggesting the condition of the property has changed since 2009.

#### **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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the best evidence of market value in the record to be the comparable sales submitted by the board of review. These comparables were similar to the subject in location, style, exterior construction, features, age and land area, but ranged in size from 950 to 1,443 square feet of living area smaller than the subject. These properties sold more proximate in time to the assessment date at issue than the subject's 2009 sale price. These comparables sold for prices ranging from \$390,000 to \$495,000 or from \$136.17 to \$171.04 per square foot of living area including land. The subject's assessment reflects a market value of \$520,944 or \$128.50, which is below the range established by the best comparable sales contained in this record on a per square foot basis.

The Board gave little weight to the subject's sale price due to the fact the transaction did not occur proximate in time to the assessment date at issue. Furthermore, the comparable sales submitted by the board of review, which were smaller in dwelling size when compared to the subject, sold for prices considerably more than the subject's 2009 sale price. Based on the evidence in this record, the Board finds the appellant failed to demonstrate the subject's assessed value was incorrect based on a preponderance of the most credible market value evidence contained in this record. Therefore, no reduction in the subject's assessment is justified.

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.



Chairman



Member



Member



Member



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 22, 2014



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.