



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

APPELLANT: J & J Property Investments, LLC  
DOCKET NO.: 12-01506.001-R-1  
PARCEL NO.: 06-18-418-038

The parties of record before the Property Tax Appeal Board are J & J Property Investments, LLC, 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:** \$6,533  
**IMPR.:** \$13,900  
**TOTAL:** \$20,433

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 2012 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 is improved with a one-story dwelling of frame construction with 1,142 square feet of living area. The dwelling was constructed in 1976. Features of the home include a partial basement with 950 square feet. The property has a 9,152 square foot site and is located in Round Lake Beach, Avon Township, Lake County.

The appellant contends assessment inequity with respect to the improvement assessment as the basis of the appeal. In support of this argument the appellant submitted information on seven equity comparables. The comparables were improved with one-story dwellings that ranged in size from 975 to 1,056 square feet of living area. The dwellings were constructed from 1972 to 1983. Each comparable had an unfinished basement, one comparable had central air conditioning, one comparable had a fireplace and two comparables had garages. These properties had improvement assessments ranging from \$1,186 to \$12,596 or from \$1.22 to \$11.93 per square foot of living area. The appellant indicated six of these properties sold from July 2011 to May 2012 for prices ranging from \$40,000 to \$60,000 or from \$39.30 to \$56.82 per square foot of living area, including land. The appellant requested the subject's improvement assessment be reduced to \$7,325 or \$6.41 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$26,331. The subject's assessment reflects a market value of \$80,474 or \$70.47 per square foot of living area, including land. The subject property has an improvement assessment of \$19,798 or \$17.34 per square foot of living area.

In rebuttal the board of review asserted the appellant purchased the property as a bank foreclosure for a price of \$45,000 in 2009 and the property is a rental. It also stated at the time of purchase the subject had a mold issue. The board of review submitted a copy of the MLS sheet associated with the sale of the subject property that stated the basement is full of mold. It also asserted that six of the seven comparables provided by the appellant were purchased "as is", were bank owned/REO/investor sales and several had condition issues. The board of review provided copies of the MLS sheets associated with the comparables. It noted that two of the comparables had originally sold for prices of \$40,000 and resold for prices of \$110,000 and \$119,000.

In support of its contention of the correct assessment the board of review submitted information on three equity comparables. The comparables were improved with one-story dwellings of frame construction that ranged in size from 912 to 1,088 square feet of living area. The dwellings were built from 1948 to 1978. One comparable had a basement, two comparables had central air conditioning, one comparable had a fireplace and each comparable had a garage. These properties had improvement assessments ranging from \$14,913 to \$24,493 or from \$15.30 to \$26.86 per

square foot of living area. These same properties sold from November 2011 to September 2012 for prices ranging from \$53,000 to \$73,000 or from \$58.11 to \$67.10 per square foot of living area, including land.

In rebuttal, the appellant indicated the subject home was purchased as a foreclosure but was in a habitable condition requiring only painting and new carpeting. The appellant stated that there was a mold issue around the sump pump area which never made the home uninhabitable. It also asserted the comparables provided by the board of review were professionally rehabilitated and provided copies of the MLS sheets for board of review comparables #1 and #2 to support this assertion. The appellant also provided copies of the MLS sheets associated with its sales #5 and #6 disclosing these properties sold again July 2013 for prices of \$110,000 and \$119,000, respectively, after being rehabilitated.

#### **Conclusion of Law**

The taxpayer contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The record contains ten comparables submitted by the parties that had varying degrees of similarity to the subject property. Reduced weight was given the appellant's comparables as the board of review asserted there were some condition issues associated with the comparables. This assertion was not refuted by the appellant and was supported by the copies of the MLS sheets associated with the sales that were submitted by the board of review. Nevertheless, each of these comparables had a lower improvement assessment than the subject on a square foot basis. The appellant also provided information that two of the board of review comparables had been rehabilitated at the time they sold, which must be considered. Little weight was given board of review comparable #1 due to its age and superior

features such as central air conditioning, fireplace and garage. The Board finds the comparables #2 and #3 submitted by the board of review were somewhat similar to the subject property. Comparable #2 had an improvement of \$14,913 or \$15.30 per square foot of living area, which is below the subject's improvement assessment of \$17.34 per square foot of living area. The record also indicated that board of review comparable #3 sold in May 2012 for a price of \$53,000 but its assessment reflects a market value of \$88,202 at the statutory level of assessment, significantly above the purchase price. Using the purchase price and the statutory level of assessment, this comparable would have a total assessment of \$17,665 and an improvement assessment of \$12,760 or \$13.99 per square foot of living area when accepting the land assessment. The subject's improvement assessment of \$17.34 per square foot of living area is above this similar comparable on a square foot basis when adjusted by the purchase price. Based on this record the Board finds the comparables submitted by the parties demonstrated with clear and convincing evidence that the subject's improvement was inequitably assessed and a 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.

*Ronald R. Cuit*

Chairman

*K. L. Fern*

Member

*Tracy 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: December 19, 2014

*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.