



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

APPELLANT: Kurt Zwicke  
DOCKET NO.: 12-01804.001-R-1  
PARCEL NO.: 06-21-204-011

The parties of record before the Property Tax Appeal Board are Kurt Zwicke, 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:** \$5,413  
**IMPR.:** \$19,454  
**TOTAL:** \$24,867

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 consists of a multi-level dwelling of frame exterior construction with approximately 1,080 square feet of living area. The dwelling was constructed in 1985. Features of the home include central air conditioning and a 460 square foot

attached garage. The property has a 52,227 square foot site and is located in Round Lake Beach, Avon Township, Lake County.

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 information on six suggested comparable sales located from .57 to 1.59 miles from the subject. The sales occurred from February 2011 to May 2012 for prices ranging from \$40,000 to \$65,100 or from \$37.04 to \$60.28 per square foot of living area, including land.

The appellant testified that there are approximately 200 "Johanson" style homes in the Round Lake neighborhood. The appellant further testified that he chose comparables that were not remodeled and are situated in a manner that the side of the home faces the street, which are similar characteristics to that of the subject.

Based on this evidence, the appellant requested a reduction in the subject's assessed valuation.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$31,549. The subject's assessment reflects a market value of \$96,421 or \$89.28 per square foot of living area, land included, when using the 2012 three year average median level of assessment for Lake County of 32.72% as determined by the Illinois Department of Revenue.

As to the appellant's comparables, the board of review's representative argued that the appellant's comparable #3 was not advertised for sale on the open market, the appellant's comparables #1 thru #5 are older and all of the appellant's comparables were foreclosures or short sales.

In support of its contention of the correct assessment, the board of review submitted information on three comparable sales and one listing. The comparables are located from .15 to .75 of a mile from the subject. The sales occurred from December 2012 to September 2013 for prices ranging from \$76,000 to \$117,500 or from \$62.30 to \$110.58 per square foot of living area, including land. The listing was being offered for a price of \$99,900 or \$88.25 per square foot of living area including land.<sup>1</sup>

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<sup>1</sup> The board of review reported the listing as being offered for \$99,000, however, the appellant submitted the Multiple Listing Service (MLS) sheet for the listing disclosing the offering at \$99,900.

The board of review's witness testified that foreclosures and short sales are the predominate market in the subject's neighborhood.

Based on this evidence, the board of review acknowledged that the subject's assessment should be lowered.

Under rebuttal, the appellant argued that the board of review's comparables were remodeled prior to their recent sale dates, the board of review's comparable #3 has 2 kitchens and the board of review's comparable #4 has had its listing price reduced to \$65,000.

### **Conclusion of Law**

For this appeal, 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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3<sup>rd</sup> Dist. 2002); 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 sales in this record support a reduction in the subject's assessment.

The parties submitted a total of nine sales and one listing for the Board's consideration. The Board gave less weight to the appellant's comparable #3 due to its lack of exposure to the subject's real estate market prior to its sale. The Board also gave less weight to the board of review's comparables #2 and #3 due to their sale dates occurring greater than 18 months after the subject's January 1, 2012 assessment date. These sales have less probative value as to the subject's market value as of the subject's January 1, 2012 assessment date. The Board finds the remaining six sales and one listing submitted by the parties were most similar to the subject in location, style, age and most features. These comparables also sold more proximate to the subject's January 1, 2012 assessment date at issue. Due to the similarities to the subject, these comparables received the most weight in the Board's analysis. The comparables had sale dates occurring from February 2011 to December 2012 for prices ranging from \$42,000 to \$76,000 or from \$38.89 to \$62.30 per

square foot of living area, including land. The one listing had its list price reduced to \$65,000 or \$57.42 per square foot of living area including land after 257 days on the market. The subject's assessment reflects a market value of \$96,421 or \$89.28 per square foot of living area, including land, which is above the range of the best comparables in this record. After considering adjustments to the comparables for differences when compared to the subject, the Property Tax Appeal Board finds the subject's estimated market value as reflected by its assessment is excessive. Therefore, the Board finds the appellant did demonstrate by a preponderance of the evidence that the subject was overvalued 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.



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.