



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

APPELLANT: Michael Scaunas
DOCKET NO.: 12-01808.001-R-1
PARCEL NO.: 01-26-301-012

The parties of record before the Property Tax Appeal Board are Michael Scaunas, the appellant, and the Lake County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds an increase 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: \$12,977
IMPR.: \$4,855
TOTAL: \$17,832

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 parcel at the time of purchase was improved with a "gutted" two-story dwelling that was built in the 1920's. At the time the property was purchased in July 2012, the home was uninhabitable. The parcel contains approximately 33,125 square feet of lake front land which is located in Antioch, Antioch Township, Lake County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on July 16, 2012 for a price of \$45,000. The appellant included a copy of the Multiple Listing Service data sheet which revealed that the property had been listed on the market through a Realtor for a period of 158 days prior to its sale. The list price was \$67,900 which was then reduced to \$49,900 prior to the sale to the appellant for \$45,000. The appellant also reported the expenditure of \$9,500 to have the home demolished. The copy of the Lake County board of Review Notice of Findings also reported that the "residence is demolished as of October, 2012."

Based on this evidence, the appellant requested no change in the subject's land assessment, but requested a reduction to "0" for the subject's improvement assessment presumably to reflect the demolition of the dwelling.

In response to the appeal, the board of review submitted a letter from Martin Paulson, Clerk of the Lake County Board of Review; the subject's property record card, a copy of the Multiple Listing Service data sheet, an aerial photograph of the parcel and a copy of the PTAX-203 Illinois Real Estate Transfer Declaration.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$12,748. The subject's assessment reflects a market value of \$38,961, including land, 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 set forth by the board of review, there is no dispute that the subject property was purchased in July 2012 for \$45,000 and the dwelling was in poor condition with demolition pending.

In support of its contention of the correct assessment and as set forth in the letter, the board of review argued that the demolition of the subject dwelling was going to cost \$9,500 as reported by the appellant and thus, under appraisal theory, the cost of acquiring the parcel was actually the purchase price plus the cost of demolition. As such, the board of review contends that the subject property has a total value of \$54,500.

Based on the foregoing evidence and argument, the board of review requested an increase in the assessment of the subject parcel to reflect a total market value of \$54,500.

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. 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). On this record, the Property Tax Appeal Board finds an increase in the subject's assessment is warranted.

As to the appellant's claim for a zero assessment on the improvement due to its demolition in October, 2012, Section 9-160 of the Property Tax Code (35 ILCS 200/9-160) is relevant and provides in pertinent part:

The assessment shall also include or exclude, on a proportionate basis in accordance with the provisions of Section 9-180, . . . all improvements which were destroyed or removed. [Emphasis added.]

Section 9-180 of the Property Tax Code provides:

When, during the previous calendar year, any buildings, structures or other improvements on the property were destroyed and rendered uninhabitable or otherwise unfit for occupancy or for customary use by accidental means (excluding destruction resulting from the willful misconduct of the owner of such property), the owner of the property on January 1 shall be entitled, on a proportionate basis, to a diminution of assessed valuation for such period during which the improvements were uninhabitable or unfit for occupancy or for customary use.

. . .

Computations under this Section shall be on the basis of a year of 365 days.

In light of these provisions of the Property Tax Code, where the dwelling was not demolished until October 2012, the subject property would only be entitled to a diminution in assessed value after the demolition. The assessment date at issue in this proceeding is January 1, 2012. As set forth in the Property Tax Code, the structure(s) were to be assessed by the

assessing officials until such time as demolition occurred. Moreover, the appellant provided no evidence to support a different improvement assessment than the one set forth by the board of review in light of the condition of the improvement as of January 1, 2012 until the time of demolition. Thus, the Board finds no change in the subject's improvement assessment is warranted on this record.

As to the property's market value, the Board finds the best evidence of market value to be the purchase of the subject property in July, 2012 for \$45,000 plus the expenditure of \$9,500 to demolition the dwelling that was situated on the parcel which was uninhabitable for a total value of \$54,500.

The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction and the board of review did not dispute the sale transaction as being an arm's length sale. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for 158 days.

In further support of the transaction the board of review submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration which depicted that the property was advertised prior to its sale and that it sold in July 2012 for \$45,000. The appellant also reported the expenditure of \$9,500 to demolish the dwelling.

In conclusion, the Board finds the purchase price of \$45,000 plus costs of demolition of \$9,500 are below the market value reflected by the assessment of \$38,961. Thus, based on this record the Board finds the subject property had a market value of \$54,500 as of January 1, 2012. Since market value has been determined the 2012 three year average median level of assessment for Lake County of 32.72% shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

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.



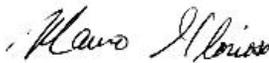
Chairman



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: July 18, 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.