



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

APPELLANT: Domenic Poeta
DOCKET NO.: 12-02101.001-R-1
PARCEL NO.: 16-15-419-001

The parties of record before the Property Tax Appeal Board are Domenic Poeta, the appellant, by attorney Eli R. Johnson of Robert H. Rosenfeld & Associates, LLC in Chicago; 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: \$45,990
IMPR.: \$43,990
TOTAL: \$89,980

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 two-story dwelling of frame construction with 2,096 square feet of living area. The dwelling was constructed in 1920. Features of the home include

an unfinished basement and central air conditioning. The property has a 16,023 square foot site and is located in Highland Park, Moraine Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on three comparable sales.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$107,188. The subject's assessment reflects a market value of \$327,592 or \$156.29 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 evidence, the board of review argued that only appellant sale #3 is a true arm's-length transaction and its Multiple Listing Service (MLS) sheet disclosed the home has "lots of potential."

In support of its contention of the correct assessment the board of review submitted information on three comparable sales.

The board of review's evidence included the Illinois Real Estate Transfer Declaration (PTAX-203) form for appellant's sale #1 disclosing this property was not advertised for sale.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The parties submitted six sales for the Board's consideration. The Board gave less weight to appellant sale #1 due to its lack of exposure to the real estate market. While, the Board finds the remaining comparables differed significantly as compared to the subject, the subject is overvalued given its age and features. Appellant sale #2 is a dissimilar 1.75-story dwelling with 941 square feet of finished basement area and is located on

a considerably smaller lot. Appellant sale #3 is a dissimilar 1.5-story dwelling that is considerably newer with 924 square feet of finished basement area and is located on a considerably smaller lot. Board of review sale #1 is the most similar to the subject, but lacks central air conditioning and has 896 square feet of finished basement area, unlike the subject. Board of review sale #2 is a dissimilar 1-story dwelling that is considerably newer, smaller, lacks central air conditioning, has 408 square feet of finished basement area and is located on a considerably smaller lot. Board of review sale #3 is a dissimilar 1.5-story dwelling that is considerably newer and smaller, when compared to the subject. These five sales occurred from April 2011 to October 2012 for prices ranging from \$135,000 to \$320,000 or from \$67.33 to \$173.07 per square foot of living area, including land. The subject's assessment reflects a market value of \$156.29 per square foot of living area, including land, which is within the range established by the comparable sales in this record, but fails to recognize the subject's older age and other differences. After considering adjustments to the comparables, when compared to the subject, the Board finds 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. F...

Member

Richard A. ...

Member

Mark ...

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: February 20, 2015

A. ...

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.