



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

APPELLANT: David Smith
DOCKET NO.: 12-02154.001-R-1
PARCEL NO.: 15-34-200-172

The parties of record before the Property Tax Appeal Board are David Smith, the appellant, by attorney Abby L. Strauss of Schiller Klein PC in 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: \$26,459
IMPR.: \$45,507
TOTAL: \$71,966

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) contesting 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 condominium of wood frame construction with 1,856 square feet of above ground living area. The dwelling was constructed in 1977. Features of the property include an unfinished basement, central air conditioning and a two-car attached garage with 420 square feet

of building area. The property is located in Deerfield, Vernon 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 in April 2012 for a price of \$185,000. The appellant completed portions of Section IV - Recent Sale Data of the appeal disclosing the parties were not relate and the property was sold by the owner. The appellant did not indicate the property had been advertised for sale. To document the sale the appellant submitted a copy of the sales contract and a copy of the PTAX-203 Illinois Real Estate Transfer Declaration which indicated the subject property had not been 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 \$71,966. The subject's assessment reflects a market value of \$219,945 or \$118.50 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.

In rebuttal the board of review indicated it could find no evidence the subject property was exposed on the open market and noted the transfer declaration indicated the property was not advertised for sale.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales from the subject's subdivision that were exposed to the open market. The comparables were improved with two-story condominiums each with 1,856 square feet of living area. The dwellings were constructed from 1975 to 1977. Each comparable had a basement with two being finished; each comparable had central air conditioning; two comparables each had one fireplace; and each had a 420 square foot attached garage. The sales occurred from February 2011 to December 2012 for prices ranging from \$212,500 to \$285,000 or from \$114.49 to \$153.56 per square foot of living area, including land. To document the sales the board of review submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration and the Multiple Listing Service (MLS) sheet for each comparable. The board of review requested confirmation of the subject's assessment.

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 four comparable sales submitted by the board of review. These comparables were similar to the subject in location, style, construction, features and age. These properties also sold proximate in time to the assessment date at issue. The comparables sold for prices ranging from \$114.49 to \$153.56 per square foot of living area, including land. The subject's assessment reflects a market value of \$118.50 per square foot of living area, including land, which is within the range established by the comparable sales submitted by the board of review. The Board gave less weight to the subject's sale due to the fact the appellant failed to establish the sale had the elements of an arm's length transaction as it was not advertised or exposed on the open market. Based on this record the Board finds the subject's assessment is reflective of market value and a reduction in the subject's assessment is not 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: April 24, 2015



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.