



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

APPELLANT: Bruce & Barbara Markus  
DOCKET NO.: 12-02579.001-R-1  
PARCEL NO.: 16-34-209-013

The parties of record before the Property Tax Appeal Board are Bruce and Barbara Markus, the appellants, by attorney Jerri K. Bush of 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:** \$41,963  
**IMPR.:** \$52,887  
**TOTAL:** \$94,850

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellants 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 is improved with a one-story dwelling of brick construction with 1,380 square feet of living area. The dwelling was constructed in 1955. Features of the home include a full basement that is partially finished with a recreation room, central air conditioning, one fireplace and a detached garage with 484 square feet of building area. The property has

a 8,185 square foot site and is located in Highland Park, Moraine Township, Lake County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information on three comparable sales. The comparables were improved with one-story dwellings that range in size from 1,120 to 1,320 square feet of living area. The comparables were constructed from 1950 to 1956. Two comparables have basements, two comparables each have a fireplace and one comparable has a garage with 240 square feet of building area. The comparables sold from March 2011 to March 2012 for prices ranging from \$147,500 to \$195,000 or from \$118.23 to \$147.73 per square foot of living area, including land. Adjustments to the comparables were made for date of sale and differences from the subject to arrive at adjusted prices ranging from \$183,689 to \$196,584. The appellants requested the subject's assessment be reduced to \$68,500 to reflect a market value of \$205,519.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject property of \$104,566. The subject's assessment reflects a market value of \$319,578 or \$231.58 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 submitted a written statement from Martin P. Paulson, Clerk of the Board of Review, asserting there was no support for the adjustments to the comparable sales presented by the appellants and no evidence the adjustments were applied by a qualified state licensed appraiser. He also noted that appellants' comparable #1 had no basement. Paulson also stated that each of the comparables used by the appellants was a short sale or a bank owned "foreclosure" sale representing the low end of the market.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales improved with one-story dwellings of brick construction that ranged in size from 1,120 to 1,380 square feet of living area. The dwellings were built in 1949 and 1956. Each comparable had a basement with two being partially finished with recreation rooms, each comparable had central air conditioning, two comparables each had one fireplace and two comparables had garages. These properties sold from April 2012 to August 2013 for prices ranging from \$237,000 to \$391,000 or from \$211.61 to

\$283.33 per square foot of living area, including land. The board of review requested confirmation of the assessment.

### Conclusion of Law

The appellants contend 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 evidence in the record supports a reduction to the subject's assessment.

The record contains six sales presented by the parties to support their respective positions. The Board gave most weight to the appellants' comparables and board of review sale #1 as these comparables sold most proximate in time to the assessment date at issue. These properties sold for prices ranging from \$147,500 to \$237,000 or from \$118.23 to \$211.61 per square foot of living area, including land. The subject's assessment reflects a market value of \$319,578 or \$231.58 per square foot of living area, including land, which is above the range established by the best comparable sales in this record.

In rebuttal the board of review asserted that the appellants' comparables were short sales or foreclosures. Section 1-23 of the Code defines compulsory sale as:

"Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete. 35 ILCS 200/1-23.

Section 16-183 of the Code provides that the Property Tax Appeal Board is to consider compulsory sales in determining the correct assessment of a property under appeal stating:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments,

including those compulsory sales of comparable properties submitted by the taxpayer. 35 ILCS 200/16-183.

Based on these statutes, the Property Tax Appeal Board finds it is appropriate to consider these sales in revising and correcting the assessment.

The Board gave less weight to the board of review comparable sales #2 and #3, due to the fact these properties sold in July 2013 and August 2013, respectively, more than 18 months after the assessment date at issue.

Based on this evidence the Board finds a reduction in the subject's assessment is appropriate.

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.

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Chairman

*Klaus Albino*

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Member

*[Signature]*

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Member

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Member

*Jerry White*

\_\_\_\_\_  
Acting 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 24, 2015

*[Signature]*

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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.