



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

APPELLANT: Edwin Fontanez  
DOCKET NO.: 12-02644.001-R-1  
PARCEL NO.: 07-30-110-002

The parties of record before the Property Tax Appeal Board are Edwin Fontanez, the appellant, by attorney Jerri K. Bush 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:** \$13,123  
**IMPR.:** \$52,189  
**TOTAL:** \$65,312

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 1.5-story single-family dwelling of frame construction with 1,612 square feet of living area. The dwelling was constructed in 1949. Features of the home include a crawl-space foundation, central air conditioning, a 296 square foot enclosed porch and an attached 288 square foot

garage. The property has a 5,355 square foot waterfront site and is located in Grayslake, Warren Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on four comparable sales located from .58 to .94 of a mile from the subject property. The comparables sold between December 2010 and June 2012 for prices ranging from \$102,000 to \$158,500 or from \$56.11 to \$114.69 per square foot of living area, including land. The appellant's submission also included an adjustment analysis that resulted in adjusted sales prices ranging from \$96,728 to \$180,257 or from \$50.43 to \$130.43 per square foot of living area, including land.

Based on this evidence, the appellant requested a total assessment of \$39,287 which would reflect a market value of approximately \$117,861 or \$73.11 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$65,312. The subject's assessment reflects a market value of \$199,609 or \$123.83 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.

The board of review submitted a memorandum from Martin P. Paulson, Clerk of the Lake County Board of Review, along with additional data. Paulson asserted that the adjustments presented by the appellant should not be given any weight as the presentation does not contain any support for the adjustments or evidence that the adjustments were applied by a qualified licensed individual such as a state licensed appraiser.

In support of its contention of the correct assessment the board of review submitted information on the June 14, 2013 sale of the subject property for \$272,000. As additional support, the board of review provided a copy of the Multiple Listing Service (MLS) data sheet along with the subject's property record card, a copy of the PTAX-203, Illinois Real Estate Transfer Declaration and recorded warranty deed related to the sale. The MLS reflects that the property was on the market for 7 days prior to the execution of a contract related to the sale.

Based on this evidence and argument, 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 to be the June 14, 2013 sale price of the subject property for \$272,000 which is greater than the subject's estimated market value as reflected by its assessment of \$199,609 or \$123.83 per square foot of living area, including land as of January 1, 2012.

The Property Tax Appeal Board has given reduced weight to the comparable sales presented by the appellant as there is no indication in the record if these comparables are waterfront parcels like the subject and the best evidence of market value of the subject property is an arm's length sales transaction. The Illinois Supreme Court has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). A contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). Our supreme court has at least indicated that a sale of property during the tax year in question is a "relevant factor" in considering the validity of an assessment. [citations omitted]. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369, 375 (1<sup>st</sup> Dist. 1983). In addition, the Board has given little weight to appellant's comparable #3 as this sale occurred in December 2010, a date more remote in time to the valuation date at issue of January 1, 2012 and thus, less likely to be indicative of the subject's estimated market value.

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Based on the best evidence of market value in the record, the Board finds a reduction in the subject's assessment is not warranted.

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*

\_\_\_\_\_  
Member

*[Signature]*

\_\_\_\_\_  
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.