



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

APPELLANT: Kenneth Arnold
DOCKET NO.: 12-02810.001-R-1
PARCEL NO.: 07-09-402-021

The parties of record before the Property Tax Appeal Board are Kenneth Arnold, the appellant, 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: \$12,231
IMPR.: \$55,201
TOTAL: \$67,432

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 single-family dwelling of frame construction with 2,254 square feet of living area. The dwelling was constructed in 1988. Features of the home include a partial basement with finished area, central air conditioning, a fireplace and an attached 462 square foot

garage. The property has a 10,743 square foot site and is located in Gurnee, Warren Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on two comparable sales of Westport models, like the subject, located in the Westgate development. The appellant also noted that his comparable #2 was purchased in August 2011 for \$120,000 and then extensively remodeled prior to resale in December 2011 for \$262,000. The appellant in a brief attached to the appeal contends that these two comparables are roughly comparable in size, condition and amenities to the subject property.

Based on this evidence and argument, the appellant requested a total assessment of \$44,622 which would reflect a market value of approximately \$133,900 or the "average" of the two comparable sales presented.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$67,432. The subject's assessment reflects a market value of \$206,088 or \$91.43 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 appellant's comparable #1 was a short sale that sold after 34 days on the market for \$45,000 less than its asking price. Additionally, he asserted that appellant's comparable #2 was originally sold by a bank as a foreclosure in "as-is" condition six days after listing with a notation of possible mold. In summary, Paulson concluded that it was not appropriate to only consider comparables in inferior condition to the subject property while ignoring sales that are purportedly in superior condition.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales located in the subject's subdivision.

Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant contended that the comparables submitted by the board of review were different

models that differ in exterior appearance and differ in configuration to the subject dwelling. Moreover, the board of review comparables have larger basements, two with more finished basement area than the subject. Appellant further asserted that he viewed his comparable #2 prior to its remodeling and found it to be "no worse than mine"; however, the rehabilitation of the property included replacing kitchen cabinets and installing granite countertops along with other material upgrades.

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 parties submitted a total of five comparable properties which sold to support their respective positions before the Property Tax Appeal Board. Each of the comparables is located in close proximity to the subject; each is of similar two-story design with frame exterior construction and each is similar in age to the subject dwelling. The comparables range in dwelling size from 1,872 to 2,366 square feet of living area and feature full or partial basements, four of which have finished area. Each comparable has central air conditioning, a fireplace and a garage ranging in size from 380 to 462 square feet of building area.

The Board has given reduced weight to the resale of appellant's comparable #2 in December 2011 for \$262,000 as the dwelling underwent extensive remodeling just prior to its sale.

These five comparables sold April 2011 and October 2011 for prices ranging from \$120,000 to \$222,000 or from \$53.24 to \$97.11 per square foot of living area, including land. The subject's assessment reflects a market value of \$206,088 or \$91.43 per square foot of living area, including land, which is within the range established by the comparable sales in this record. After considering adjustments and the differences in both parties' suggested comparables when compared to the subject property, the Board finds the subject's estimated market value

based on its assessment is supported by these comparable properties in the record. In conclusion, based on this evidence, the Board finds 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

Klaus Albino

Member

[Signature]

Member

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]

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.