



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

APPELLANT: Joel Kornreich
DOCKET NO.: 13-03708.001-R-1
PARCEL NO.: 15-36-205-043

The parties of record before the Property Tax Appeal Board are Joel Kornreich, the appellant, by attorney Andrew J. Rukavina of The Tax Appeal Company, in Mundelein; 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: \$ 64,660
IMPR.: \$ 208,874
TOTAL: \$ 273,534

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 2013 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 Dryvit exterior construction that contains 4,477 square feet of living area. The dwelling was built in 1997. Features include an unfinished basement, central air conditioning, two fireplaces, and a 764 square foot attached garage. The subject property has a 21,332 square foot site with a pond view. The subject property is located in Vernon Township, Lake County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal of the subject property estimating a market value of \$775,000 as of January 1, 2013. The appraisal was prepared by Steven L. Smith, a state licensed appraiser. The appraiser developed the sales comparison approach to value in arriving at the final opinion of value. The appraiser identified three comparable sales located from .10 to .39 of a mile from the subject. The comparables had varying degrees of similarity when compared to the subject in land area, setting, aesthetic appeal, design, age, dwelling size and features. The comparables sold from August 2011 or November 2012 for prices ranging from \$760,000 to \$925,000 or from \$163.20 to \$211.68 per square foot of living area including land. The appraiser adjusted the comparables for differences to the subject in land area, view, design, exterior construction, condition, room count, dwelling size, finished basement area, fireplaces and "upgrades." After adjustments, the comparables had adjusted sale prices ranging from \$774,200 to \$777,040 or from \$166.24 to \$187.56 per square foot of living area including land. The appraiser placed most weight on comparables #1 and #3 in arriving at a final value estimate for the subject property of \$775,000 or \$173.11 per square foot of living area including land. Based on this evidence, the appellant requested the subject's assessment be reduced to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject property's final assessment of \$273,534 was disclosed. The subject's assessment reflects an estimated market value of \$822,906 or \$183.81 per square foot of living area including land when applying Lake County's 2013 three-year average median level of assessment of 33.24%. 86 Ill.Admin.Code §1910.50(c)(1).

In response to the appeal, the board of review argued that the subject is located across the street from a small lake, which was not disclosed in the appraisal and the comparables were not adjusted for this factor. The board of review argued comparable #1 was adjusted by \$50,000 for condition due to remodeling, but was also adjusted by \$50,000 for "upgrades", which appears to be a double adjustment. Comparable #2 was a short sale that sold in "as is" condition with no adjustment. Comparable #3 is located in a different township that backs to a four lane major road and has a view of a large office building and parking lot.

In support of the subject's assessment, the board of review submitted four comparable sales. One comparable was also used by the appellant's appraiser. The comparables are located from .09 to .27 of a mile from the subject. The comparables had varying degrees of similarity when compared to the subject in land area, setting, aesthetic appeal, design, age, dwelling size and features. They sold from May 2011 to November 2013 for prices ranging from \$925,000 to \$1,025,000 or from \$201.24 to \$267.83 per square foot of living area including land. Based on this

evidence, the board of review requested confirmation of the subject's assessment.

Under rebuttal, the appellant's attorney claimed the board of review's comparables had superior features when compared to the subject. The appellant's attorney also argued comparable #2 is a dated 2011 sale¹ and comparable #4 sold in late 2013, less proximate in time to the subject's January 1, 2013 assessment date.

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.

The Board gave little weight to the appraisal submitted by the appellant for several reasons. The appraiser placed equal weight on the comparable sales #1 and #3 as adjusted. The Board finds comparable #3 sold in 2011, which is dated and less indicative of market value as of the subject's January 1, 2013 assessment date. The Board finds each of the negative \$50,000 adjustments applied to comparable #1 for view (pond), condition and "upgrades" to be suspect. The subject has a pond view similar to comparable #1; therefore this adjustment was not warranted. The Board finds the adjustment for condition and upgrades are redundant and skew the adjusted sale price and the subject's final value conclusion. The Board finds the negative adjustment of \$35,000 and \$50,000 applied for design and quality of construction was not supported. Comparable #2 is a two-story dwelling like the subject. There was no market evidence in the appraisal, such as a paired sales analysis, that would suggest a value difference for exterior construction. Finally, the Board finds the land value adjustment applied to comparables #2 and #3 were not consistent. Comparable #2 was adjusted by \$1.12 per square foot of land area while comparable #3 was adjusted by \$2.09 per square foot of land area. All of these factors undermine the credibility of the appraiser's final value conclusion.

The Board further analyzed the raw sales data for the six comparable sales contained in the record. The Board gave less weight to comparable #3 contained in the appellant's appraisal and comparable #2 submitted by the board of review. These comparables sold in 2011, which are dated and less reliable indicators of market value as of the subject's January 1, 2013 assessment date. The Board finds the remaining four comparables were more similar to the subject in location, land area, aesthetic appeal, setting, design, dwelling size, age, and

¹ Appellant's appraiser's comparable #3 also sold in 2011.

features. These comparables sold from July 2012 to November 2013 for prices ranging from \$877,000 to \$1,025,000 or from \$204.01 to \$267.83 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$822,906 or \$183.81 per square foot of living area including land, which falls below the range established by the most similar comparable sales contained in the record. After considering logical adjustments to the comparables for differences to the subject, the Board finds no reduction in the subject's assessment is 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.

Mario Albino

Chairman

K. L. Ferr

Member

JR

Member

Jerry White

Acting Member

Robert Hoffmann

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 22, 2016

A. Heston

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.