



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

APPELLANT: Greg Schuda  
DOCKET NO.: 14-01533.001-R-1  
PARCEL NO.: 14-11-406-004

The parties of record before the Property Tax Appeal Board are Greg Schuda, the appellant, by attorney Nora Doherty of Steven B. Pearlman & Associates, in Chicago; and the Lake County Board of Review.

Based on the facts and exhibits presented in this matter, 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:** \$ 32,642  
**IMPR.:** \$133,358  
**TOTAL:** \$166,000

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 2014 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 frame dwelling that contains 4,042 square feet of living area. The dwelling was built in 1988. Features include a full finished basement, central air conditioning, a fireplace and a 748 square foot attached garage. The subject property has a 40,469 square foot site. The subject property is located in Ela 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 \$465,000 as of January 1, 2013. The appraiser developed the sales comparison approach to value in arriving at the final opinion of value. The appraiser identified five comparable properties located within .66 of a mile from the subject.

The appraiser provided limited descriptive information of the comparables.<sup>1</sup> The comparables had varying degrees of similarity when compared to the subject in land area, design, age, dwelling size, exterior construction and features. The comparables sold from February 2012 to April 2013 for prices ranging from \$400,000 to \$535,000 or from \$114.25 to \$130.55 per square foot of living area including land. After adjusting the comparables for differences to the subject in gross living area, site size, finish/condition, exterior construction, bedrooms and baths, and basements, the appraiser concluded the subject property had a market value of \$465,000 or \$115.04 per square foot of living area including land as of January 1, 2013. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject property's final assessment of \$170,714 was disclosed. The subject's assessment reflects an estimated market value of \$512,347 or \$126.76 per square foot of living area including land when applying Lake County's 2014 three-year average median level of assessment of 33.32%.

In response to the appeal, the board of review argued the appraisal provided by the appellant had an effective valuation date of January 1, 2013, one year prior to the subject's January 1, 2014 assessment date. In addition, comparables #3, #4 and #5 sold in 2012 or approximately 19 to 22 months prior to the assessment date. The board of review contends comparables #1, #3 and #5 are located in a different assessment neighborhood than the subject; comparables #2 and #4 are smaller in dwelling size than the subject; and comparable #5 needed "TLC" according to its Multiple Listing Service sheet. Finally, the board of review argued there were three more similar comparable sales available for consideration, but were not utilized or discussed by the appellant's appraiser. For these reasons, the board of review opined the appraisal does not conclude a reasonable estimate of the subject's fair cash value.

In support of the subject's assessment, the board of review submitted four comparable sales located from .21 to 1.18 miles from the subject. The comparables had varying degrees of similarity when compared to the subject in land area, design, age, dwelling size, exterior construction and features. They sold from June 2013 to April 2014 for prices ranging from \$427,500 to \$625,000 or from \$126.61 to \$150.61 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 argued the comparables used by its appraiser are located closer in proximity to the subject than the comparables used by the board of review, noting comparables #2 and #4 are located over one mile from the subject. The appellant argued the comparables used by the appraiser have been adjusted for differences while the comparables used by the board of review were not adjusted. Finally, the appellant argued all the comparables used by the board of review support a reduction in the subject's assessment based on assessment equity.

### **Conclusion of Law**

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<sup>1</sup> The board of review submitted a detailed grid analysis of the comparables identified by the appraiser with their respective property record cards and Multiple Listing Service sheets.

As an initial matter, the Board gave no weight to the assessment inequity claim raised by the appellant under rebuttal. The Board finds the appellant timely submitted an appeal before the Property Tax Appeal Board arguing overvaluation. Section 16-180 of the Property Tax Code provides in part:

Each Appeal shall be limited to the grounds listed in the petition filed with the Property Tax Appeal Board. (35 ILCS 200/16-180)

The appellant in this appeal is limited to the market value argument as detailed in the original appeal petition and supporting evidence as filed with the Property Tax Appeal Board. The Board finds the appellant is barred from raising a new assessment inequity claim under rebuttal.

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 evidence contained in this record supports a reduction in the subject's assessment.

The appellant submitted an appraisal of the subject property estimating a market value of \$465,000 as of January 1, 2013. The Board gave little weight to the appraisal submitted by the appellant. The appraisal had an effective valuation date of January 1, 2013, one year prior to the subject's January 1, 2014 assessment date. Moreover, three comparables contained within the appraisal report sold in 2012, which are dated and less indicative of market value as of the January 1, 2014 assessment date. Finally, comparables #2 and #4 are smaller in dwelling size when compared to the subject; comparable #4 is older in age than the subject; and comparable #5 is inferior in condition when compared to the subject.

The board of review submitted four comparable sales for the Board's consideration. The Board gave less weight to comparables #2 through #4. Comparables #2 and #4 are located over one mile from the subject; comparables #2 and #3 are dissimilar in dwelling size when compared to the subject and comparable #2 is older in age when compared to the subject. The Board finds comparable #1 contained in the appellant's appraisal and comparable #1 submitted by the board of review were most similar to the subject in location, land area, design, age, dwelling size, and features. These properties sold in February and June of 2013 for prices of \$450,000 and \$500,000 \$123.90 and \$126.61 per square foot of living area including land. The subject's assessment reflects an estimated market value \$512,347 or \$126.76 per square foot of living area including land, which is greater than the most similar comparable sales contained in this record. After considering any necessary adjustments to the comparables for differences when compared to the subject, the Board finds the subject's assessed valuation is excessive. Therefore, a 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.



Chairman



Member



Member



Member



Acting Member

DISSENTING: \_\_\_\_\_

CERTIFICATION

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: October 21, 2016



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.