



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

APPELLANT: Judah Group, LLC  
DOCKET NO.: 16-02109.001-C-1  
PARCEL NO.: 08-30-211-051

The parties of record before the Property Tax Appeal Board are Judah Group, LLC, the appellant, by Josefina Lozano, Attorney at Law in Zion; and the Lake County Board of Review.

Based on the facts and exhibits presented in this matter, 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:** \$22,083  
**IMPR.:** \$38,032  
**TOTAL:** \$60,115

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 2016 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 one-story brick retail/office-oriented building consisting of two units with a combined 3,000 square feet of building area. The building was constructed in approximately 1987.<sup>1</sup> The property has a 14,415 square foot site and is located in Waukegan, Gurnee Township, Lake County.

Attorney Josefina Lozano appeared before the Property Tax Appeal Board on behalf of the appellant contending overvaluation as the basis of the appeal. In support of this argument, appellant's counsel submitted information on three sale comparables. The comparables are located from .05 of a mile to 2.2 miles from the subject and consist of one-story frame or brick

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<sup>1</sup> The records are inconsistent as to the construction date of the building. Information provided to appellant's counsel by Waukegan Township states the structure was built in 1977 while the property record card submitted by the board of review indicates it was built in 1987. At hearing, the parties agreed that adding "approximately" to the construction date would be an adequate way of dealing with this small discrepancy in the age of the building.

commercial buildings that range in size from 2,446 to 10,320 square feet of building area. They were built from approximately 1954 to 1984 and have sites ranging in size from 7,613 to 24,889 square feet of land area. The properties sold in either July 2015 or January 2016 for prices ranging from \$140,000 to \$400,000 or from \$38.75 to \$57.23 per square foot of building area, including land.

Ms. Lozano called Fathi Judah, one of the owners of the subject property, as her witness. Mr. Judah testified that he had been a real estate broker since 1993 and handles mostly residential properties, along with a small percentage of commercial rentals, not sales. He testified that appellant's comparable #1 was the best comparable as it is located right across the street from the subject, although it has more retail space, more units to rent, and a larger site. He stated that, for those reasons, the subject property is inferior to comparable #1.

As to his building, Mr. Judah testified that the south unit was easier to rent, and the north unit had been vacant at one point for an entire year. He stated that a commercial building cannot be valued as just a "box"; commercial property is valued on rental income and on the income it generates.

On cross-examination, Mr. Judah testified that he owns the property with his brother. They purchased the property in 2016 for \$180,000 in completion of a contract for deed entered into in 2014. They already owned the adjoining building next door so, when the owner of the subject property wanted to sell the property and could not find a buyer, they bought it because it is attached to their other building.

Based on the above evidence and testimony, the appellant requested a reduction in the assessment to \$33,300 which reflects a market value of \$99,910 or \$33.30 per square foot of building area, land included.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$60,115. The subject's assessment reflects a market value of approximately \$181,288 or \$60.43 per square foot of building area, land included, when using the 2016 three-year average median level of assessment for Lake County of 33.16% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted a grid analysis and property record cards on five comparable sales, along with a brief and a variety of property record cards, listing sheets, and transfer declarations in response to appellant's evidence. The five board of review comparables are located from .61 of a mile to 1.45 miles from the subject and have sites ranging in size from 14,600 to 23,700 square feet of land area. The comparables consist of one-story brick commercial buildings that were built from 1955 to 1997. The buildings range in size from 2,090 to 6,351 square feet of building area and contain one to three units. The properties sold from June 2014 to October 2016 for prices ranging from \$190,000 to \$465,000 or from \$58.26 to \$154.38 per square foot of building area, including land.

Assistant Lake County State's Attorney Gunnar Gunnarson appeared on behalf of the Board of Review and called John Paslwasky, chief appraiser for the Lake County Board of Review, as his witness. Mr. Paslwasky testified that he has been an appraiser for about 40 years and is a

certified general appraiser in Illinois and Wisconsin. He has been an alternate member of the Lake County Board of Review since 2008 and has worked in the Lake County Supervisor of Assessments' Office since 2010.

Mr. Paslwasky testified that he is familiar with the subject property and has visited the site. He described the subject as an approximately 3,000 square foot commercial property located on Green Bay Road which is a major corridor in Waukegan. He said the building fits in with the neighborhood and the assessment corresponds with the 2016 purchase price. He is familiar with the commercial real estate market in Waukegan and testified that the market did not fluctuate much from 2014 to 2016.

Upon questioning by Mr. Gunnarson about the appellant's comparables, Mr. Paslawsky further testified that the sale of appellant's comparable #1 was unreliable as it consisted of a 6-unit strip mall consisting of two buildings that are located on two adjoining parcels. The two parcels sold for a total of \$800,000. Separate deeds and transfer declarations were recorded for each of the two parcels and the sale price was allocated at \$400,000 for each of the parcels by agreement between the parties and was, therefore, arbitrary. He noted that appellant's comparables #2 and #3 had a higher price per square foot value than the subject. Comparable #2 was a multi-unit building purchased by a long-time tenant and comparable #3 was an estate sale requiring court approval and sold in As-Is condition. Paslawsky stated that the board of review's comparables were better indicators of value than the appellant's comparables and show that the subject may in fact be under-assessed.

On cross-examination, appellant's counsel objected to Mr. Paslawsky's characterization of the sale price of appellant's comparable #1 as arbitrary or unreliable and to his characterization of the locations of other comparables as "better" or "worse" than the subject's location. She queried Mr. Paslawsky as to the basis of his opinions. He testified he determined that the locations were better or worse compared to the subject based on his professional opinion and based on traffic flow and the types of other businesses located in the comparables' respective immediate vicinities. She directed Mr. Paslawsky's attention to the two deeds recorded for appellant's comparable #1 and the adjoining parcel. He agreed that comparable #1 includes two permanent index numbers and the second parcel, which is not a part of this appeal, consists of one separate permanent index number but that did not change his opinion regarding the arbitrariness of the allocation of the purchase price between to the two parcels.

Appellant's counsel submitted a rebuttal brief in response to the board of review's evidence. She argued that board of review comparable #5 sold after the filing deadline for the county appeal and was, thus, unavailable to the appellant as a comparable. She argued that board of review comparable #5 sold almost six months after the January 1, 2016 assessment date at issue and that the 2014 sales of board of review comparables #3 and #4 were not proximate in time to the assessment date at issue and requested that those two sales be disregarded.

### **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 eight comparable sales to support their respective positions before the Property Tax Appeal Board. The Board gave less weight to appellant's comparables #1 and #3 which have larger site sizes when compared to the subject and building areas over two to three times larger than that of the subject. Further, comparable #1 was an allocated sale in which the \$800,000 total sales price for two tracts was split evenly between those two tracts by agreement of the parties which, therefore, calls into question whether the \$400,000 sale price allocated to comparable #1 accurately reflects its true market value. Also, comparable #3 was an estate sale of a property being sold in As-Is condition and was purchased by a long-time tenant which also calls into question whether the sale price accurately reflects that property's market value. The Board also gave less weight to board of review comparables #4 and #5 as comparable #4 is an older, larger building when compared to the subject and as comparable #5 is located over two miles distant from the subject and appears to be an outlier due to its higher sale price when compared to the other seven comparables submitted for the Board's consideration.

The Board finds that appellant's comparable #2 and board of review comparables #1 through #3 are the best comparables submitted in the record, although each is a smaller building when compared to the subject. These four comparables sold between June 2014 and October 2016 for prices ranging from \$140,000 to \$292,000 or from \$57.23 to \$134.01 per square foot of building area, land included. The subject's assessment reflects an estimated market value of \$181,288 or \$60.43 per square foot of living area, land included, which falls within the range established by the best comparable sales contained in the record and is further supported by appellant's purchase of the subject property for \$180,000. After making adjustments to the comparables for differences from the subject, the Board finds no reduction in the subject's assessment is 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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



Member



Member



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:

November 17, 2020



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

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