



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

APPELLANT: Arkady Livitz
DOCKET NO.: 16-04398.001-R-1
PARCEL NO.: 15-26-400-025

The parties of record before the Property Tax Appeal Board are Arkady Livitz, the appellant, by attorney Robert Rosenfeld of Robert H. Rosenfeld and Associates, LLC, 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: \$ 76,580
IMPR.: \$180,052
TOTAL: \$256,632

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 two-story owner-occupied dwelling of stucco exterior construction that was built in 1993. The dwelling has 3,614 square feet of living area. Features include a finished basement, central air conditioning, two fireplaces and a 673 square foot garage. The subject has a 71,438 square foot site. The subject property is located in Vernon Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted information on four suggested comparable sales. The comparables had varying degrees of similarity when compared to the subject. They sold from July 2014 to August 2015 for prices of \$700,000 or \$820,000 or from \$170.52 to \$204.29 per square foot of living area including land. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$230,360.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's final assessment of \$256,641.¹ The evidence submitted by the board of review revealed the subject property was the matter of an appeal before the Property Tax Appeal Board for the prior 2015 tax year under Docket Number 15-01598.001-R-1. In that appeal, the Board issued a decision reducing the subject's assessment to \$240,000 based on an agreement by the parties. Based on the Property Tax Appeal Board's prior year's decision, the board of review proposed to reduce the subject's assessment to \$256,632 as provided by section 16-185 of the Property Tax Code. (35 ILCS 200/16-185). The board of review indicated that the 2015 tax year was the beginning of the most recent quadrennial general assessment cycle and a 1.0693 equalization factor was issued Vernon Township for the 2016 tax year.

In further support of the subject's assessment, the board of review submitted information on four suggested comparable sales. The comparables had varying degrees of similarity when compared to the subject. They sold from August 2014 to April 2017 for prices ranging from \$690,000 to \$850,000 or from \$194.64 to \$229.85 per square foot of living area including land.

The appellant was notified of the proposed assessment by the board of review and given thirty (30) days to respond if the offer was not acceptable. The appellant responded to by the established deadline rejecting the proposed assessment. The appellant's attorney asserted that the valuation evidence submitted on behalf of the appellant supports a further reduction in the subject's assessment.

Conclusion of Law

The Property Tax Appeal Board finds the record shows the subject property was the subject matter of an appeal before the Board for the 2015 tax year under Docket Number 15-001598.001-R-1. In that appeal, the Property Tax Appeal Board issued a decision reducing the subject's assessment to \$240,000 based on an agreement by the parties. The Property Tax Appeal Board further finds the record shows that Lake County's general assessment period began in the 2015 tax year and a 1.0693 township equalization factor was applied in Vernon Township for the 2016 tax year.

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 on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. (35 ILCS 200/16-185)

¹ According to the decision issued by the board of review that was submitted by the appellant, the notes on appeal depict an incorrect final assessment amount of \$256,647.

The Property Tax Appeal Board finds section 16-185 of the Property Tax Code is controlling in this appeal. (35 ILCS 200/16-185) Thus, the comparable sales submitted by both parties were given little weight in determining the subject's correct assessment for the 2016 tax year. The Board finds the record disclosed the subject property is an owner-occupied dwelling and the 2015 and 2016 tax years are within the same general assessment period. Additionally, the record shows a 1.0693 equalization factor was issued in Vernon Township for the 2016 tax year. Furthermore, the 2015 decision of the Property Tax Appeal Board was not reversed or modified upon review and there was no evidence the showing the subject property sold establishing a different fair cash value. Applying section 16-185 of the Property Tax Code (35 ILCS 200/16-185) to the Board's 2015 decision, results in an assessment of \$256,632. ($\$240,000 \times 1.0693 = \$256,632$). Therefore, the Board finds the assessment of \$256,632 as proposed by the board of review is correct and complies with the statutory mandate provided by section 16-185 of the Property Tax Code. (35 ILCS 200/16-185). Based on this analysis, the Property Tax Appeal Board finds a slight 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. 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 20, 2018



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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