



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

APPELLANT: Michelle Bernstein
DOCKET NO.: 17-01386.001-R-1
PARCEL NO.: 16-20-403-040

The parties of record before the Property Tax Appeal Board are Michelle Bernstein, the appellant, by attorney Scott Shudnow, of Shudnow & Shudnow, Ltd. 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: \$60,950
IMPR.: \$130,790
TOTAL: \$191,740

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 2017 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 colonial style dwelling of brick exterior construction with 2,857¹ square feet of living area. The dwelling was built in 1968. Features of the home include a partial basement with finished area, central air conditioning, a fireplace and a 460 square foot 2-car garage. The property has a 12,000 square foot site and is located in Deerfield, West Deerfield Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$523,000

¹ The subject property includes a two-story foyer area measuring 35 square feet. This area is excluded from gross living area of the subject in the appraisal report. Board of review records include this area. For purposes of this decision, the subject's gross living area is considered to be the 2,857 square feet contained in the appraisal and not the 2,892 square feet shown in the property record card.

as of January 1, 2017. The appraisal was prepared by Gary Nusinow, Certified General Appraiser. The purpose of the appraisal was to develop the retrospective market value of the subject property to provide a basis of appeal for the subject property's ad valorem taxation by the Lake County Assessor. The appraiser developed the Sales Comparison Approach to value for the subject property using five comparable sales located within 0.79 of a mile from the subject property. The comparables have sites that range in size from 11,073 to 20,113 square feet of land area and are improved with two-story colonial style dwellings of brick, frame and masonry exterior construction that range in size from 2,336 to 2,944 square feet of living area. The homes were identified as being from 48 to 58 years old. Each comparable has a basement, four with finished area, central air conditioning, one or two fireplaces and a 2-car garage. The comparables sold from February 2016 to January 2017 for prices ranging from \$470,000 to \$560,000 or from \$183.42 to \$201.20 per square foot of living area, land included.

After adjusting the comparable sales for seller paid concessions, location, site size, condition, dwelling size, basement size and finish and other features the comparables had adjusted sale prices ranging from \$513,450 to \$531,000 which equates to \$180.37 to \$219.80 per square foot of living area, land included. The appraiser gave all of the comparables "considerable weight" in determining his reconciled value opinion for the subject of \$523,000 which equates to \$183.06 price per square foot of living area, land included. 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" disclosing the total assessment for the subject of \$198,031. The subject's assessment reflects a market value of \$597,379 or \$209.09 per square foot of living area, land included, when using the 2017 three year average median level of assessment for Lake County of 33.15% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on eight comparable sales located within approximately 0.26 of a mile from the subject property. Board of review comparables #2 and #5 are the same sales as the appellant's comparable sales #3 and #2, respectively. The comparables are improved with two-story dwellings of brick exterior construction that range in size from 2,651 to 3,193 square feet of living area. The homes were built from 1966 to 1969. Each comparable has a basement, seven with finished area², central air conditioning, one fireplace and a garage ranging in size from 418 to 528 square feet of building area. The comparables sold from April 2016 to July 2017 for prices ranging from \$558,000 to \$734,500 or from \$199.36 to \$258.90 per square foot of living area. Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellant's counsel submitted a brief addressing the board of review's use of unadjusted raw sales compared to the appellant's appraisal comparables which were adjusted based on differences with the subject property. The appellant submitted Multiple Listing Service (MLS) data sheets and photographs for each of the board of review's eight comparable sales. The appellant's counsel asserted the MLS data and photos show that all of the board of review comparables are "far superior to the subject in terms of customization and amenities" and

² Multiple Listing Service data sheets submitted by the appellant for each of the board of review comparables provides details on basement finished area.

indicated that seven of the eight board of review comparables should be given no weight. The appellant's counsel noted that board of review comparable #5 was included in the appraisal report and that the appraiser adjusted the comparable for its superior condition. The Board finds that board of review comparable #2 was also utilized by the appraiser and adjusted for differences with the subject property.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The record contains an appraisal and six comparable sales for the Board's consideration, where two of the comparables were submitted by both parties. The Board finds the comparable sales utilized by the appraiser and adjustments made by the appraiser appeared to be reasonable with the exception of the adjustment for condition which is not well supported. The Board further finds that, given MLS data and photos submitted on the board of review comparables, that not all of the board of review comparables appear to be "far superior" to the subject in condition and updating. Therefore, the Board shall consider the five sales submitted by the appellant in the appraisal in addition to the board of review comparable sales. The Board gave less weight to appraisal comparables #4 and #5 which differ from the subject in dwelling size, site size and/or age. The Board gave less weight to board of review comparables #1, #4, #7 and #8 based on data contained in the MLS sheets which describe these properties as superior in condition and/or updating relative to the subject.

The Board finds the best evidence of market value to be appraisal comparable #1, common appraisal comparable #2/board of review #5, common appraisal comparable #3/board of review #2 along with board of review comparables #3 and #6 which are more similar to the subject in location, age, design, dwelling size, condition, basement finish and features. These comparables sold from February 2016 to March 2017 for prices ranging from \$540,000 to \$655,000 or from \$183.42 to \$205.14 per square foot of living area, land included. The subject's assessment reflects a market value of \$597,379 or \$209.09 per square foot of living area, including land, which falls within the overall value range but above the price per square foot range established by the best comparable sales in the record. After considering adjustments to the comparables for differences with the subject, the Board finds a 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: October 20, 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

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