



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

APPELLANT: Michael Reschke  
DOCKET NO.: 17-01477.001-R-1  
PARCEL NO.: 14-32-103-001

The parties of record before the Property Tax Appeal Board are Michael Reschke, 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 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:** \$ 54,192  
**IMPR.:** \$276,242  
**TOTAL:** \$330,434

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 single-family dwelling of brick and cedar exterior construction with 5,596 square feet of living area. The dwelling was constructed in 1987. Features of the home include a full walkout-style basement with 90% finished area,<sup>1</sup> central air conditioning, four fireplaces, an attached three-car garage containing 837 square feet of building area and a 900 square foot in-ground swimming pool. The property has an approximately 1.6-acre site with a water view that is located in Deer Park, Ela Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal report prepared by Jon Gillespie, a Certified General Real Estate

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<sup>1</sup> While the board of review/assessing officials report an unfinished basement, the appellant's appraiser, who inspected the dwelling, reported the basement was 90% finished.

Appraiser, estimating the subject property had a market value of \$815,000 or \$145.90 per square foot of living area, including land, as of January 1, 2017.

As set forth in the appraisal report, the subject property has an effective age of 15 years with an actual age of 30 years. Gillespie noted the subject dwelling had above average functional utility with finishing work that was above average. The condition was noted as average, but Gillespie also observed "areas of the ceiling that are water stained and damaged"; he indicated a qualified roof expert should be retained to determine the source of the leaks. He also stated that the spa pool has cracked tiles in need of repair. The damaged items were depicted in photographs included with the appraisal report. The subject property was physically inspected by the appraiser on August 23, 2017.

The appraiser considered the three traditional approaches to value in this assignment. Gillespie wrote that the cost approach to value was considered not applicable to the appraisal of older single family homes (over one year old) with accumulated depreciation. Similarly, the income approach to value was not developed as "homes in this price range and neighborhood are typically purchased for use and not income."

Using the sales comparison approach, Gillespie considered three comparable sales located from .16 of a mile to 2.17-miles from the subject property. The appraiser noted the selected sales "are all recent waterfront sales from the subject's and Ela Township market." The comparables have sites that range from .46 to 1.58-acre of land area. The comparable properties are improved with two-story dwellings that were 14 to 33 years old. The dwellings range in size from 4,729 to 5,144 square feet of living area. Each comparable has a basement with finished areas. Each home also has central air conditioning and a three-car garage. Appraisal sale #2 has a pool. The comparables sold between February and June 2017 for prices ranging from \$790,000 to \$1,015,000 or from \$161.82 to \$214.63 per square foot of living area, land included.

After identifying differences between the comparable properties and the subject, the appraiser made several adjustments. An upward adjustment was made to sale #3 for its smaller lot size. The subject's condition was reported as average and downward adjustments were made to each sale reported as either good or average/good condition. Upward adjustments were applied to two sales for differences in the number of bathrooms and upward adjustments based upon \$40.00 per square foot of living area were applied to each comparable dwelling for differences as compared to the subject's dwelling size. Adjustments were made to two sales for differences in finished basements and upward adjustments were made to the two comparables that lack a pool amenity. The subject's kitchen/bath were reported as "average" and substantial downward adjustments were made of either \$25,000 or \$50,000 to each comparable where the kitchen/bath was reported as "good" or "average/good." Through this adjustment process, the appraiser determined that the adjusted sale prices of the comparable properties ranged from \$811,700 to \$934,300 or from \$157.80 to \$197.57 per square foot of living area, land included. From this data and analysis, with giving predominate weight to sale #1 located in the subject's development, Gillespie concluded an estimate of market value for the subject property of \$145.90 per square foot of living area, including land, or \$815,000, including land, under the sales comparison approach to value.

Based on this evidence, the appellant requested a total assessment of \$271,639 which reflects a market value of \$815,000 at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$330,434. The subject's assessment reflects a market value of \$996,784 or \$178.12 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 response to the appeal, the board of review submitted a memorandum prepared by the Ela Township Assessor's Office asserting that appraisal sale #1 was a wood frame dwelling as compared to the brick subject dwelling with no adjustment made for the difference. The memorandum also noted both the condition adjustments made to the comparables when compared to the "good" condition of the subject and the kitchen/bath condition adjustments made to each comparable. Lastly, the memorandum noted that appraisal sale #3 was not in the subject's neighborhood.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on four comparable sales in a grid analysis along with applicable property record cards for the subject and comparables. Board of review comparable #3 is the same property as appraisal sale #2. The comparables are located from .151 of a mile to 1.173-miles from the subject property. The comparable parcels range in size from 1.2 to 2.25-acres of land area which are improved with two-story dwellings of brick or wood siding exterior construction. The homes were 19 to 25 years old and range in size from 4,166 to 5,876 square feet of living area. Each comparable has a basement, three of which have finished areas based upon data drawn from the underlying property record cards; comparable sale #2 does not have finished basement area. Each home also has central air conditioning, three fireplaces each and a three-car garage. Comparable sales #1, #3 and #4 each feature an in-ground swimming pool ranging in size from 576 to 903 square feet based on the data set forth on the underlying property record cards. The comparables sold between May 2015 and April 2017 for prices ranging from \$867,000 to \$1,205,000 or from \$205.07 to \$214.63 per square foot of living area, land included.

Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant noted that the sales presented by the board of review were not "as timely or appropriate" as the sales in the appellant's appraisal report. The rebuttal filing criticizes each comparable presented by the board of review, including the property that was contained within the appellant's appraisal report. The criticisms included differences in age of the dwellings when compared to the subject; differences in dwelling size when compared to the subject; and other differences in amenities and/or remodeling when compared to the subject.

### **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 appellant submitted an appraisal of the subject property and the board of review submitted four suggested comparable sales, one of which was appraisal sale #2, to support their respective positions before the Property Tax Appeal Board.

Upon examining the appraisal report, the Board finds that appraisal sale #3 was located over 2-miles from the subject dwelling and has a lot size of .46 of an acre as compared to the subject's 1.58-acre parcel. Given these differences between appraisal sale #3 and the subject, the Board finds this property is a poor comparable to the subject property. Additionally, due both the apparently duplicative condition and kitchen/bath adjustments made by the appraiser to each of the three sales totaling either \$50,000 or \$100,000, the Board finds the appraisal report lacks credibility; in particular, the Board finds such substantial adjustments to the sale prices without substantive support in the appraisal report results in a determination by the Board that the appraised value conclusion is not a reliable indicator of the subject's estimated market value as of the assessment date. Furthermore, as to board of review comparable sale #4, the Board finds this property is both distant from subject at more than a mile away and substantially smaller in dwelling size when compared to the subject. As such, the Board has given reduced weight to board of review sale #4. As a consequence of the foregoing findings concerning both the appraisal report and board of review sale #4, the Board finds, for purposes of determining the correct assessment of the subject property on market value grounds, the best evidence in the record consisting of raw appraisal sales #1 and #2 will be analyzed along with the raw board of review sales #1, #2 and #3, where sale #3 is the same property as appraisal sale #2.

The Property Tax Appeal Board finds appraisal sales #1 and #2 and board of review comparables #1, #2 and #3, where there is one common property presented by the parties, were the most similar comparables to the subject property in location, age, dwelling size, design, exterior construction and/or features. Due to their similarities to the subject, these four comparables received the most weight in the Board's analysis. The comparables sold between May 2015 and June 2017 for prices ranging from \$869,000 to \$1,205,000 or from \$168.93 to \$214.63 per square foot of living area, including land. The subject's assessment reflects a market value of \$996,784 or \$178.12 per square foot of living area, including land, which reflects a market value that falls within the range established by the most similar comparables both on total sale price and also on a per-square-foot basis. After considering adjustments to the comparables for differences in date of sale, age, size and/or other features when compared to the subject, the Board finds the appellant did not demonstrate by a preponderance of the evidence that the subject property's assessment was excessive in relation to its market value and a reduction in the subject's assessment is not warranted on this record.

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: April 21, 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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