



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

APPELLANT: Ivan Wolfson
DOCKET NO.: 17-03158.001-R-1
PARCEL NO.: 16-36-303-020

The parties of record before the Property Tax Appeal Board are Ivan Wolfson, 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 **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: \$59,699
IMPR.: \$83,172
TOTAL: \$142,871

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 one-story dwelling of brick exterior construction with 1,368 square feet of living area. The dwelling was built in 1953. Features of the home include a full basement that is partially finished, central air conditioning, one fireplace and a one-car attached garage with 231 square feet of building area. The property has an 8,907 square foot site and is located in Highland Park, Moraine Township, Lake County.

The appellant contends both overvaluation and assessment inequity with respect to the improvements as the basis of the appeal. In support of the overvaluation argument the appellant reported the subject property was purchased in July 2015 for a price of \$339,000. The seller was identified as Richard Weil. The appellant indicated the parties were not related, the property sold through the use of a Realtor and the property had been advertised in the Multiple Listing Service (MLS). To document the sale the appellant provided a copy of the settlement statement

reflecting a purchase price of \$339,000. The settlement statement did not reference any payments for real estate broker fees.

In support of the assessment inequity argument the appellant submitted information on three equity comparables improved with one-story dwellings of brick or wood siding exterior construction ranging in size from 1,442 to 1,701 square feet of living area. The dwellings were built in 1954. Each home has a partial basement with two being partially finished, central air conditioning, one fireplace and one or two attached garages with 300 to 520 square feet of building area. These properties have improvement assessments ranging from \$53,609 to \$86,357 or from \$37.18 to \$53.18 per square foot of living area.

The appellant requested the subject's total assessment be reduced to \$113,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$142,871. The subject's assessment reflects a market value of \$430,983 or \$315.05 per square foot of living area, including land, using the 2017 three-year average median level of assessments for Lake County of 33.15% as determined by the Illinois Department of Revenue. The subject property has an improvement assessment of \$83,172 or \$60.80 per square foot of living area.

In rebuttal, the board of review asserted the subject's 2015 sale occurred without the benefit of MLS market exposure. The board of review also submitted a copy of an MLS listing of the subject property disclosing the property was listed for sale in May 2016 for a price of \$535,000. The price was subsequently reduced to \$514,900 and the property was off the market in July 2016. The 2016 listing described the subject property as a recent rehab and indicated both the kitchen and bathroom had been updated. A copy of the subject's property record card submitted by the board of review indicated that in 2016 central air conditioning, a second full bathroom and finished recreation area were added.

In support of its contention of the correct assessment the board of review submitted information on four comparables improved with one-story dwellings with wood siding or brick exteriors that range in size from 1,412 to 1,725 square feet of living area. The homes were built from 1949 to 1954. Each comparable has a full or partial basement with three being partially finished, central air conditioning, one fireplace and an attached garage ranging in size from 264 to 520 square feet of building area. The comparables have improvement assessments ranging from \$80,933 to \$112,892 or from \$53.18 to \$65.44 per square foot of living area. Board of review comparables #3 and #4 also sold in July 2017 and January 2016 for prices of \$450,000 and \$470,000 or \$318.70 and \$272.46 per square foot of living area inclusive of the land, respectively. Board of review comparable #1 is the same property as appellant's comparable #3. The board of review requested the assessment be sustained.

Conclusion of Law

The appellant contends in part that 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 basis of the appellant's overvaluation argument is the sale of the property in July 2015 for a price of \$339,000. The Board gives less weight to the sale as it occurred approximately 18 months prior to the assessment date and the record indicates the property had not been advertised on the open market. Second, the board of review provided evidence that subsequent to the sale and prior to the assessment date the property had been rehabbed and listed on the open market in May 2016 for a price of \$535,000 and later reduced to \$514,900. Although the property did not sell, the listing prices undermine the appellant's contention that the July 2015 purchase price is indicative of fair cash value as of the assessment date. Furthermore, two of the board of review comparables sold in January 2016 and July 2017 for prices of \$470,000 and \$450,000 or \$272.46 and \$318.70 per square foot of living area, including land, respectively, which support the subject's assessment reflecting a market value of \$430,983 or \$315.05 per square foot of living area, including land. In conclusion the Board finds a reduction in the subject's assessment based on overvaluation is not justified.

Alternatively, the appellant contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The record contains six comparables submitted by the parties to support their respective positions with one property being common to the parties. These properties are similar to the subject in location, style and age. The Board finds, however, that five of the comparables are somewhat inferior with smaller basements and with unfinished basements or basements with less finished area than the subject property. These six properties have improvement assessments ranging from \$53,609 to \$112,892 or from \$37.18 to \$65.44 per square foot of living area. The three best comparables with respect to size include appellant's comparable #1 and board of review comparables #2 and #3. Appellant's comparable #1 would require an upward adjustment for its smaller basement with less finished basement area in relation to the subject property. Board of review comparable #2 would require an upward adjustment due to its unfinished basement in relation to the subject's finished basement area. These three comparables have improvement assessments ranging from \$53,609 to \$86,389 or from \$37.18 to \$61.18 per square foot of living area. The subject's improvement assessment of \$83,172 or \$60.80 per square foot of living area falls within the range established by the best comparables in this record. Based on this record the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified on this basis.

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: July 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

AGENCY

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