



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

APPELLANT: Daniel Bernhart
DOCKET NO.: 17-03510.001-R-1 through 17-03510.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Daniel Bernhart, 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
17-03510.001-R-1	12-21-108-011	113,406	318,177	\$431,583
17-03510.002-R-1	12-21-108-049	90,485	0	\$90,485

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 dwelling of wood siding exterior construction that has 3,265 square feet of living area. The dwelling was constructed in 2005. Features include a full basement with 1,534 square feet of finished area, central air conditioning, two fireplaces and a 441 square foot attached garage. The subject property is located in Shields Township, Lake County.

The appellant contends assessment inequity as the basis of the appeal. The subject's land assessment was not challenged. In support of the inequity claim, the appellant submitted a grid analysis of three assessment comparables located within .19 of a mile from the subject. The comparables consists of two-story dwellings of wood siding or wood shingle exterior construction that were built from 2001 to 2009. The comparables have full basements that are partially finished, central air conditioning, two to four fireplaces and attached garages that range

in size from 483 to 840 square feet of building area. The dwellings range in size from 3,460 to 3,706 square feet of living area. The comparables have improvement assessments ranging from \$230,616 to \$335,951 or from \$66.65 to \$91.29 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's final assessment for both parcels of \$52,068. The subject property has an improvement assessment of \$318,177 or \$97.45 per square foot of living area.

In an effort to resolve the appeal, the board of review offered to reduce the subject's improvement assessment to \$300,380. The appellant was notified of this suggested agreement and given thirty (30) days to respond if the offer was not acceptable. The appellant responded to the Property Tax Appeal Board by the established deadline rejecting the proposed assessment.

In support of the subject's assessment, the board of review submitted three assessment comparables located within .204 of a mile from the subject. The comparables consists of two-story dwellings of brick or stucco exterior construction that were built from 1999 to 2005. The comparables have full basements that are partially finished, central air conditioning, one to three fireplaces and each comparable has a garage that range in size from 400 to 576 square feet of building area. The dwellings range in size from 2,697 to 3,376 square feet of living area. The comparables have improvement assessments ranging from \$284,673 to \$344,176 or from \$101.95 to \$106.01 per square foot of living area.

Conclusion of Law

The taxpayer argued 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.

The record contains six assessment comparables for the Board's consideration. The Board finds both parties' comparables were relatively similar when compared to the subject in location, design, age, dwelling size and features. The comparables have improvement assessments ranging from \$230,616 to \$344,176 or from \$66.65 to \$106.01 per square foot of living area. The Board further finds board of review comparable #1 is the most similar property contained in the record. It has an improvement assessment of \$344,176 or \$101.95 per square foot of living area. The subject property has an improvement assessment of \$318,177 or \$97.45 per square foot of living area, which falls within the range established by the most similar assessment comparables contained in the record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's improvement assessment is supported. Therefore, the Board finds the appellant failed to demonstrate assessment inequity by clear and convincing evidence and no reduction in the subject's improvement assessment is warranted.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity which appears to exist on the basis of the evidence.

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: June 16, 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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