



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

APPELLANT: Michael Schwartz
DOCKET NO.: 17-03588.001-R-1
PARCEL NO.: 17-31-308-005

The parties of record before the Property Tax Appeal Board are Michael Schwartz, the appellant, by attorney Glenn S. Guttman, of Rieff Schramm Kanter & Guttman 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: \$110,482
IMPR.: \$143,615
TOTAL: \$254,097

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 2-story dwelling of brick exterior construction with 3,186 square feet of living area. The dwelling was constructed in 1928. Features of the home include a partial unfinished basement, a fireplace and a 460 square foot garage. The property has a 13,166 square foot site and is located in Highland Park, Moraine Township, Lake County.

The appellant contends improvement assessment inequity and overvaluation as the bases of the appeal. In support of the inequity argument, the appellant submitted information on three equity comparables with varying degrees of similarity to the subject. The comparables have improvement assessments ranging from \$108,950 to \$131,048 or from \$37.26 to \$38.68 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's assessment.

In support of the overvaluation argument, the appellant submitted information on three comparable sales with varying degrees of similarity to the subject. The comparables sold from January 2016 to February 2017 for prices ranging from \$925,000 to \$1,090,000 or from \$201.97 to \$234.16 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject property of \$263,152. The subject's assessment reflects an estimated market value of \$793,822 or \$249.16 per square foot of living area, including land, when applying Lake County's 2017 three-year average median level of assessment of 33.15%. The subject property has an improvement assessment of \$147,102 or \$46.17 per square foot of living area.

In support of the subject's assessment, the board of review submitted information on six assessment equity comparables and four comparable sales with varying degrees of similarity to the subject. The equity comparables have improvement assessments ranging from \$149,662 to \$185,141 or from \$46.89 to \$56.14 per square foot of living area.

The four comparable sales have varying degrees of similarity to the subject. The comparables sold from November 2015 to October 2016 for prices ranging from \$817,500 to \$915,000 or from \$262.63 to \$301.87 per square foot of living area, including land.

In response to the appellant's evidence, the board of review submitted a grid analysis that critiqued the appellant's comparable sales. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's counsel submitted a brief critiquing the board of review's evidence.

Conclusion of Law

The Property Tax Appeal Board takes notice that the subject property was the matter of an appeal before the Board for the 2016 tax year under Docket Number 16-04580.001-R-1. In that appeal, the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property to \$241,905 based on the evidence submitted by the parties for tax year 2016. The Property Tax Appeal Board finds that Lake County's general assessment period began in the 2015 tax year and runs through the 2018 tax year. The Lake County board of review disclosed that for the 2017 tax year, a township equalization factor of 1.0504 was applied in Moraine Township. The Board finds Section 16-185 of the Property Tax Code controls in this matter.

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)

The Board finds in this record that the subject property is an owner-occupied residence and the 2015 through 2018 tax years are in the same general assessment period. An equalization factor of 1.0504 for the tax year 2017 was applied in Moraine Township. The Board further finds that the prior year's 2016 assessment as established by the decision of the Property Tax Appeal Board of \$241,905 should be carried forward subject only to any equalization factor applied to that year's assessment. Furthermore, the 2016 decision of the Property Tax Appeal Board was not reversed or modified upon review and there was no evidence the 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 prior 2016 decision, results in an assessment of \$254,097 ($\$241,905 \times 1.0504 = \$254,097$). The subject's 2017 assessment is \$263,152 which is greater than required by the statutory provisions of section 16-185 of the Property Tax Code, thus the Property Tax Appeal Board finds that a 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: January 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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