



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

APPELLANT: Tony Youshaei
DOCKET NO.: 18-00727.001-R-1
PARCEL NO.: 12-27-302-018

The parties of record before the Property Tax Appeal Board are Tony Youshaei, 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 **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: \$ 846,804
IMPR.: \$ 666,909
TOTAL: \$1,513,713

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 2018 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 is improved with a two-story dwelling of brick exterior construction with 9,958 square feet of living area. The dwelling was constructed in 1918. Features of the home include a full basement with finished area, central air conditioning, six fireplaces and an attached 792 square foot garage. The property has a 75,056 square foot site and is located in Lake Forest, Shields Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted information on six comparable sales, each of which is located in the same neighborhood code assigned to the subject by the assessor and within .76 of a mile from the subject property. The comparable parcels range in size from 51,836 to 90,169 square feet of land area and are improved with either a 2, 2.25 or 2.5-story dwelling of brick or stucco exterior

construction. The homes were built between 1895 and 1990 and range in size from 7,839 to 13,480 square of living area. Each dwelling has a basement, three of which have finished areas. Five of the homes have central air conditioning and each dwelling has five to nine fireplaces. Each comparable has a garage ranging in size from 594 to 1,350 square feet of building area with comparable #6 having two garages. Comparables #3 and #6 each have an inground swimming pool. The comparables sold from June 2016 to October 2018 for prices ranging from \$1,700,000 to \$4,550,000 or from \$145.22 to \$418.58 per square foot of living area, including land.

Based upon the average of these recent comparable sales, the appellant requested application of a market value for the subject of approximately \$4,241,610 or \$425.95 per square foot of living area, including land, "rounded up" for a reduced total assessment of \$1,413,729 when using 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 \$1,513,713. The subject's assessment reflects a market value of \$4,575,916 or \$459.52 per square foot of living area, land included, when using the 2018 three year average median level of assessment for Lake County of 33.08% as determined by the Illinois Department of Revenue.

In a responsive letter to the appeal, the board of review asserted the subject parcel 12-27-302-018 was part of the subject matter of an appeal before the Property Tax Appeal Board for the 2017 tax year under Docket Number 17-03016.001-R-2.¹ In that appeal, the Property Tax Appeal Board issued a decision reducing the assessment of parcel number 12-27-302-018 to \$1,488,410 based upon the stipulation of the parties. The board of review further explained that the township's general assessment period began in 2015 and runs through tax year 2018. It further indicated that in tax year 2018 an equalization factor of 1.0170 was applied in Shields Township to all non-farm properties. Therefore, the board of review depicted that the 2017 assessment of parcel number 12-27-302-018 of \$1,488,410 was increased for tax year 2018 by the 1.0170 factor to a total assessment of \$1,513,713 in accordance with Section 16-185 of the Property Tax Code (35 ILCS 200/16-185). As the subject's assessment 2018 total assessment is \$1,513,713 and based upon the foregoing argument, the board of review requested confirmation of the subject's assessment.

In rebuttal the appellant argued the application of a Memorandum Order issued by the Circuit Court of the Nineteenth Judicial Circuit Lake County, Illinois in the matter of *Abtahi v. Property Tax Appeal Board*, 18 MR 1116, May 29, 2019 and submitted a copy of the Final Administrative Decision of the Illinois Property Tax Appeal Board on Remand in *Abtahi*, Docket No. 14-01595.001-R-1, June 16, 2020. The appellant contends this Circuit Court Order in 18 MR 1116 stands for the proposition that allows for the review of evidence pertaining to any tax year within a quadrennial to be contested to the extent the taxpayer/appellant has presented adequate evidence of value to suggest that the assessment overvalues the property. Therefore, the appellant contends in light of the six comparable sales presented by the appellant, no weight should be given to the evidence presented by the Lake County Board of Review in this matter.

¹ Docket No. 17-03016 was an appeal involving two parcels. For the second parcel, 12-27-302-017 (Docket No. 17-03016.002-R-2), the parties agreed to no change in the land only assessment.

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, pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185), a reduction in the subject's assessment is not warranted.

As an initial point, the Property Tax Appeal Board finds that the Circuit Court Order referenced by the appellant is not precedent but is only controlling for that particular decision on administrative review before the circuit court.

Second, 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 that the subject parcel 12-27-302-018 was the subject matter of an appeal before the Property Tax Appeal Board for the 2017 tax year under Docket No. 17-03016.001-R-2 in which a decision was issued reducing this parcel's assessment to \$1,488,410. The record further disclosed that the 2017 and 2018 tax years are within the same general assessment period and an equalization factor of 1.0170 was applied in Shields Township in 2018. Furthermore, the decision of the Property Tax Appeal Board for the 2017 tax year was not reversed or modified upon review and there was no evidence the property sold establishing a different fair cash value. Therefore, the Property Tax Appeal Board's finds the assessment as established for parcel 12-27-302-018 by decision for the 2017 tax year should be carried forward through the 2018 tax year subject only to the equalization factor applied in 2018, which is what is reflected by the final decision issued by the Lake County Board of Review. The Board finds the 2018 assessment established by the board of review follows the dictates of section 16-185 of the Property Tax Code.

Additionally, notwithstanding the dictates of Section 16-185 of the Property Tax Code, the record contains six sales submitted by the appellant to support the appeal. The Board gives less weight to appellant's comparables #2, #4 and #6 as these properties have no central air conditioning, sold in June 2016, a date most remote to the valuation date of January 1, 2018, and was much newer having been built in 1990, respectively. The three remaining comparables presented by the appellant are relatively similar to the subject property with the exception that each does not have any finished basement area, suggesting upward adjustments would be appropriate to the comparables to make them more equivalent to the subject property. These

properties sold from March to December 2017 for prices ranging from \$3,120,000 to \$4,550,000 or from \$337.54 to \$394.24 per square foot of living area, including land. The subject's assessment reflects a market value of \$4,575,916 or \$459.52 per square foot of living area, land included, which is somewhat above the range of the most similar sales both in terms of overall value and on a square foot basis although this appears logical given the subject's superior feature of 1,992 square feet of finished basement area as reported by the appellant. After considering necessary adjustments for differences when compared to the subject, the Property Tax Appeal Board finds the best comparables in the record presented by the appellant demonstrate that the subject property is not overvalued for assessment purposes.

For these reasons the Property Tax Appeal Board finds that a reduction in the subject's assessment is not 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: February 16, 2021



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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