



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

APPELLANT: Ronald & Linda Riegelhaupt
DOCKET NO.: 18-01040.001-R-1 through 18-01040.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Ronald & Linda Riegelhaupt, the appellants, by attorney Scott Shudnow, of Shudnow & Shudnow, Ltd. 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
18-01040.001-R-1	16-22-310-010	38,225	55,976	\$94,201
18-01040.002-R-1	16-22-310-009	38,216	0	\$38,216

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 consists of a 1.5-story dwelling of frame exterior construction with approximately 2,253 square feet of living area.¹ The dwelling was constructed in 1963 with a reported effective age of 40 years according to the appellants' appraiser. Features of the home include an 80% finished basement, central air conditioning, a fireplace, a finished attic and a 260 square foot garage. The property consists of two parcels for an approximately total 14,602 square foot site and which is located in Highland Park, Moraine Township, Lake County.

¹ The appellants' appraiser reported a dwelling size of 2,307 square feet supported by a schematic drawing. The assessing officials reported a dwelling size of 2,253 square feet supported by the property record card with a schematic drawing. The Board finds the slight size discrepancy does not prevent a determination of the correct assessment on this record.

The appellants contend overvaluation as the basis of the appeal. In support of this argument, the appellants submitted an appraisal prepared by Garry Nusinow, a Certified General Real Estate Appraiser, estimating the subject property had a market value of \$395,000 as of January 1, 2018.

The intended use of the appraisal was for an appeal of the assessment of the subject property. The appraiser deemed the subject dwelling to be in predominantly original condition with some replacement windows. Nusinow asserted that maintenance was below average for the neighborhood and competing neighborhoods as depicted in supporting photographs. He also reported that the flat membrane section of the subject roof was leaking at the time of inspection and has been leaking since prior to January 1, 2018; he reported the owners have an estimated repair for this of \$10,000.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value using six comparable sales located within .38 of a mile from the subject property. The parcels range in size from 7,300 to 16,017 square feet of land area and have been improved with a Cape Cod, a tri-level, a two-story, a part one-story and part two-story and two, split-level dwellings that were 39 to 63 years old. The dwellings range in size from 2,027 to 2,868 square feet of living area. Each dwelling has a basement/lower level with finished area, central air conditioning and a one-car or a two-car garage. Five comparables each have a fireplace. The comparables sold from April 2016 to March 2018 for prices ranging from \$325,000 to \$441,000 or from \$133.72 to \$201.27 per square foot of living area, including land. The appraiser made adjustments to each comparable for differences from the subject property to arrive at adjusted prices ranging from \$347,000 to \$432,500. Giving weight to each of the sales, the appraiser arrived at an estimated value for the subject under the sales comparison approach of \$395,000. In a memo, counsel for the appellants also discussed in detail the adjustments for each of the appraisal's comparable sales. Based on this evidence, the appellants requested the total assessment be reduced to \$132,417.

The board of review submitted its two "Board of Review Notes on Appeal" disclosing the total assessment for the subject parcels of \$149,986. The subject's parcels' total assessments reflect a market value of \$453,404 or \$201.24 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 response to the appellants' appraisal evidence, the board of review submitted a memorandum outlining criticisms of the appraisal. Appraisal sales #1 and #4 reportedly back to the METRA commuter train tracks, but the appraisal does not adjust for "this regular daily negative commuter train traffic" as compared to the subject. Aerial photographs were submitted to support the location argument concerning these properties. Appraisal sale #2 was a short sale "in need of some decoration" but the appraiser did not discuss this status in the report. The board of review also contends that land size adjustments were based on approximately \$5.00 per square foot which the board of review contends is too low for the area based on four land sales submitted in this matter.

In support of its contention of the correct valuation of the subject parcels, the board of review submitted information on four comparable land sales in a grid analysis along with copies of

listing sheets and property record cards. The parcels are located from .354 to 1.799-miles from the subject property and range in size from 11,250 to 21,460 square feet of land area. The parcels sold between December 2015 and June 2019 for prices ranging from \$157,000 to \$445,000 or from \$12.58 to \$21.67 per square foot of land area. The board of review provided no other comparable sales data to address the market value of the subject improved property. Based on the foregoing evidence and argument, the board of review requested confirmation of the subject's assessments.

In rebuttal, counsel for the appellants argued that the data presented by the board of review consists solely of land sales and are dissimilar to the subject. Moreover, counsel argued that land which sells on its own "typically has a higher price per square foot than land that is associated with an improvement." To the extent that two of the comparables in the board of review's grid included dwellings, the appellants' counsel contends these properties are in superior condition with more amenities than the subject.²

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The appellants submitted an appraisal of the subject property and the board of review submitted four land sales to criticize the land adjustments in the appellants' appraisal report and therefore support their respective positions before the Property Tax Appeal Board. The Board has given little weight to the four land sales presented by the board of review as unimproved parcels do not establish the market value of the subject land value in this matter and the improved parcels arguably have additional demolition expenses that are not reflected in the sales price for a land sale comparison. Moreover, the board of review has failed to establish that appraisal land adjustments mandate use of are land sales as opposed to paired sales analysis or a more quantitative or qualitative adjustment process within the sales comparison approach to value.

In the absence of any substantive market value evidence by the board of review to support the estimated market value of the subject property as reflected by its assessment, the Board finds the best evidence of market value in the record to be the appraisal submitted by the appellants. The comparable dwellings that were analyzed in the appraisal were each located in close proximity to the subject and using the sales comparison approach to value, the appraiser applied adjustments to the comparables for differences when compared to the subject. The appraisal analysis on this record appears to be logical and results in a credible indication of the subject's market value at \$395,000 as of January 1, 2018. The subject's assessment reflects a market value of \$453,404 or \$201.24 per square foot of living area, including land, which is above the appraised value and

² The board of review in the grid analysis concerning these improved comparables wrote, "Sold as a Land Sale – MLS listing provided."

not support in this record. Based on this evidence, the Board finds reductions in the subject's assessments commensurate with the appellants' request are justified.

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:

December 15, 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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