



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

APPELLANT: Robert Tupanjac
DOCKET NO.: 18-01592.001-R-1
PARCEL NO.: 16-18-204-008

The parties of record before the Property Tax Appeal Board are Robert Tupanjac, the appellant, by attorney George N. Reveliotis, of Reveliotis Law, P.C. in Park Ridge, 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: \$157,550
IMPR.: \$275,195
TOTAL: \$432,745

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 consists of a two-story single-family dwelling of brick exterior construction with 6,635 square feet of living area. The dwelling was constructed in 1999. Features of the home include a full basement that is finished,¹ central air conditioning, one fireplace and an 880 square foot garage. The property has a 60,113 square foot site and is located in Lake Forest, West Deerfield Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal prepared by William P. Neberieza, a Certified General Real

¹ The appellant's appraiser reported an unfinished basement, but the assessing officials cite a previous listing sheet for the subject property that describes a "finished basement" with a bathroom in the basement along with a photograph.

Estate Appraiser, estimating the subject property had a market value of \$1,125,000 as of January 1, 2018.

The appellant's appraiser reported the subject parcel suffers from an adverse condition. The appraiser wrote, "Subject site backs to beltline railroad tracks that has numerous trains 24 hours a day seven days a week. Train traffic causes excess fumes, noise and pollution." Neberieza reported that he viewed the subject property and took photographs; no photographs of the subject basement were included in the appraisal report.

The appraiser used the sales comparison approach to value in arriving at the opinion of the subject's value. Neberieza analyzed three sales of properties located from .71 to 2.17 miles from the subject property. The comparable parcels range in size from 54,014 to 84,942 square feet of land area. Each parcel has been improved with a two-story dwelling that was 17 to 50 years old with the oldest dwelling having a reported effective age of 36 years. The homes range in size from 5,331 to 7,525 square feet of living area. Features include full basements, two of which have finished areas. Each home has central air conditioning, two to four fireplaces and a three-car or a four-car garage. Comparables #1 and #2 each have in-ground swimming pools. The comparables sold between May 2016 and March 2018 for prices ranging from \$1,145,000 to \$1,290,000 or from \$164.96 to \$215.72 per square foot of living area, including land.

Neberieza adjusted each comparable downward \$50,000 for location which was characterized as "average" as compared to the subject's location of "fair." The two oldest comparable dwellings were each adjusted upward by \$50,000 for age. Each comparable sale was adjusted for dwelling size and one comparable was adjusted downward by \$80,000 for room count. Comparables #1 and #2 were each adjusted downward by \$50,000 for having finished basement areas as compared to what Neberieza reported as an unfinished basement of the subject. The three-car garage was given an upward adjustment of \$10,000 for the lack of an additional garage stall and each difference in the number of fireplaces was adjusted by \$10,000. The two comparables with pools were each adjusted downward \$30,000. From this process, the appraiser estimated adjusted sales prices ranging from \$1,014,400 to \$1,130,400. Based upon the foregoing data and adjustment process in which each comparable sale price was reduced in amounts ranging from \$19,600 to \$179,000, Neberieza opined a market value for the subject property under the sales comparison approach to be \$1,125,000 or \$169.56 per square foot of living area, including land, as of January 1, 2018.

Based upon the appraisal, the appellant requested an assessment reflective of the appraised value conclusion at 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 \$432,745. The subject's assessment reflects a market value of \$1,308,177 or \$197.16 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 appellant's appraisal evidence, the board of review noted that the subject property was last sold in July 2014 for \$1,175,000 according to assessing records and data from the Multiple Listing Service (MLS). Moreover, while the assessing records indicate the subject's

basement is unfinished, data from the MLS listing sheet (copy submitted) depicts a finished basement with an exercise room, recreation room and a bathroom. Copy of photograph from the MLS listing depicting the basement was included and noted the appellant's appraiser made downward adjustments of \$50,000 to two of the comparable sales concerning their finished basements. Furthermore, appraisal sales #2 and #3 occurred in 2016 which are 24 and 31 months prior to the assessment date at issue of January 1, 2018 and these comparables are each located 1.79-miles or more from the subject property.

In support of its contention of the correct assessment the board of review submitted information on six comparable sales located within .75 of a mile of the subject property. The comparable parcels range in size from 21,780 to 60,113 square feet of land area. Each parcel has been improved with a part 1.5-story and part one-story, a 1.5-story, or a two-story dwelling of brick or wood siding exterior construction. The homes were built between 1986 and 2001 and range in size from 4,012 to 6,068 square feet of living area. Features include basements with finished areas. Each home has central air conditioning, two to five fireplaces and a garage ranging in size from 690 to 1,016 square feet of building area. Comparables #1 has in-ground swimming pool. The comparables sold between October 2017 and January 2019 for prices ranging from \$1,075,000 to \$1,800,000 or from \$260.64 to \$315.82 per square foot of living area, including land.

Based on this evidence and argument, the board of review requested confirmation of the subject's estimated market value as reflected by its 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 the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted an appraisal of the subject property and six comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given little weight to the appellant's appraisal report as the appraisal failed to accurately describe the subject property and was based upon two of three sales that occurred in 2016 with no adjustment for time as of the valuation date of January 1, 2018. The most glaring problem with the appellant's appraisal is the description of an unfinished basement which is not correct based on information provided by the board of review. This descriptive error was then compounded by Neberieza when he made substantial downward adjustments to appraisal sales #1 and #2 for the finished basement amenities of these properties. Furthermore, the appraiser's opinion of value was based upon sales that were more remote in time to January 1, 2018. In contrast, the board of review supplied sales that were more proximate in time to the valuation date at issue and were also all closer in proximity to the subject than two of the three sales contained in the appraisal report. The Board has given reduced weight to board of review comparables #1 and #3 as these parcels are smaller than the subject lot.

The Board finds the best evidence of market value to be board of review comparable sales #2, #4, #5 and #6 which have varying degrees of similarity to the subject property in design, exterior construction, age, size and/or most features. These board of review comparable sales sold between October 2017 and January 2019 for prices ranging from \$1,075,000 to \$1,800,000 or from \$260.64 to \$315.82 per square foot of living area, including land. The subject's assessment reflects a market value of \$1,308,177 or \$197.16 per square foot of living area, including land, which is within the range established by the best comparable sales in the record in terms of overall value and below the range on a per-square-foot basis which appears to be logical in that the subject dwelling is larger than the best comparable properties in the record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds a reduction in the subject's assessment is not 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



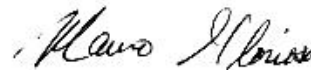
Member

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: 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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