



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

APPELLANT: Andrew J. & Jenny Fleury, Jr.  
DOCKET NO.: 19-00760.001-R-1  
PARCEL NO.: 16-14-306-004

The parties of record before the Property Tax Appeal Board are Andrew J. & Jenny Fleury, Jr., the appellants, by attorney Robert J. Masini, of Grach, Masini, Hazan & Gurysh, LLP in Libertyville, 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:** \$ 59,478  
**IMPR.:** \$114,924  
**TOTAL:** \$174,402

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 2019 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 brick exterior construction with 2,785 square feet of living area. The dwelling was constructed in 1963 and is approximately 56 years old. Features of the home include an unfinished basement, central air conditioning, a fireplace and a 460 square foot garage. The property has a 14,000 square foot site and is located in Highland Park, Moraine Township, Lake County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument, the appellants submitted an appraisal prepared by Michael A. Kozenko, a Certified Residential Real Estate Appraiser, estimating the subject property had a market value of \$395,000 as of January 1, 2019. In arriving at the opinion, the appraiser utilized both the cost and sales comparison approaches to value.

In describing the dwelling, Kozenko said the home was in overall average/good condition and reported an effective age of 20 years for the dwelling.

Under the cost approach the appraiser estimated the subject had a site value of \$95,000. The appraiser estimated the replacement cost new of the improvements to be \$379,950. Kozenko estimated physical depreciation to be \$94,988, which mathematically is 25% although the report states a 20% depreciation figure. As set forth in the appraisal, Kozenko determined a depreciated improvement value of \$284,962. The appraiser also estimated the site improvements had a value of \$15,000. Adding the various components, Kozenko determined the subject property had an estimated market value of \$395,000, rounded, under the cost approach to value.

For the sales comparison approach, the appraisal sets forth data on five comparable sales located from .81 to 3.44-miles from the subject. The comparable parcels range in size from 7,411 to 14,000 square feet of land area and are improved with two-story dwellings. The homes were 41 to 97 years old and range in size from 1,896 to 3,061 square feet of living area. Four dwellings have full or partial basements with finished area and the foundation type of appraisal sale #5 was not reported. Each home has central air conditioning and four of the comparables have two-car garages with appraisal sale #3 having no garage. The properties sold from May to November 2018 for prices ranging from \$355,000 to \$400,000 or from \$117.24 to \$199.10 per square foot of living area, including land.

Next, the appraiser made adjustments to the comparable sales for differences in view, lot size, age, condition, bathroom count, dwelling size, foundation type, basement finish and/or other differences in amenities. After considering adjustments to the comparable sales when compared to the subject property, the appraiser set forth adjusted sales prices ranging from \$394,400 to \$399,000. In the addendum, Kozenko reported that most of the homes in Highland Park are older in age. In reconciliation, he stated appraisal sale #1 received the most weight which brackets the low end of the dwelling size and lot/site. Sale #2 was the most recent sale and sale #3 was closest in proximity. Sale #4 had the fewest net adjustments and sale #5 had the least total adjustments. Kozenko also noted that "age adjustments are warranted at approximately \$45.45 per year, bracket the 56-year-old subject and provide a bracket effect" where age adjustments of \$1,000 or \$1,900 appear in the report each for sales #1, #2 and #3. In the final analysis, the appraiser concluded the value for the subject of \$395,000 or \$141.83 per square foot of living area, including land.

Based on the foregoing appraisal evidence, the appellants requested a reduction in the subject's 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 \$174,402. The subject's assessment reflects a market value of \$530,258 or \$190.40 per square foot of living area, land included, when using the 2019 three year average median level of assessment for Lake County of 32.89% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales located in the same neighborhood code as the subject and within 962

feet of the subject property. The comparable parcels range in size from 7,250 to 12,140 square feet of land area and are improved with two-story dwellings of brick, stone or brick and wood siding exterior construction. The homes were built between 1920 and 1958 and have effective ages ranging from 1936 to 1992. The homes range in size from 2,534 to 3,449 square feet of living area. Each dwelling has a basement with finished area and central air conditioning. Two comparables have one and two fireplaces, respectively, and garages of 528 and 462 square feet of building area, respectively. The properties sold from November 2018 to June 2019 for prices ranging from \$500,000 to \$725,000 or from \$184.11 to \$224.04 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

### **Conclusion of Law**

The appellants contend 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 appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The appellants submitted an appraisal of the subject property and the board of review provided three comparables in close proximity to the subject in support of their respective positions before the Property Tax Appeal Board.

Having thoroughly examined the appellants' appraisal report, the Board gives little weight to the value conclusion determined utilizing the sales comparison approach as the appraiser utilized comparables that differed significantly from the subject in location, age and/or dwelling size when compared to the subject. The Board does not find the conclusory statement in the Addendum sufficient to justify the age adjustments in the report and finds it problematic that most weight was given to appraisal sale #1 that is 22 years older, 889 square feet smaller than the subject dwelling and located 1.6-miles from the subject. Given these concerns related to the properties chosen by Kozenko for the sales comparison approach analysis, the Board finds the appraiser's value conclusion is not a credible or reliable indicator of the subject's estimated market value as of the assessment date.

The courts have stated that where there is credible evidence of comparable sales these sales are to be given significant weight as evidence of market value. In Chrysler Corporation v. Property Tax Appeal Board, 69 Ill. App. 3d 207 (2nd Dist. 1979), the court held that significant relevance should not be placed on the cost approach or income approach especially when there is market data available. In Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill. App. 3d 9 (5th Dist. 1989), the court held that of the three primary methods of evaluating property for the purpose of real estate taxes, the preferred method is the sales comparison approach. The Board finds there are credible market sales contained in this record. As a consequence of the case law and the finding that the appraisal is not a reliable indicator of value, the most similar raw sales presented in the appraisal will be analyzed along with the best raw sales presented by the board of review. The Board has given reduced weight to the sales contained in the appellants' appraisal report along with board of review comparable sale #1 due to their distance from the subject

property, significantly older ages and/or differences in foundation type or features such as no garage.

On this limited record, the Board finds the best evidence of market value to be board of review comparable sales #2 and #3 which are most similar to the subject in location, design and some features when analyzing all of the comparables in the record. These two board of review comparables sold in November 2018 and May 2019 for prices of \$635,000 and \$725,000 or for \$184.11 and \$224.04 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$530,258 or \$190.40 per square foot of living area, including land, which is significantly below the best comparable sales in the record in terms of overall value but bracketed by the best sales in the record on a per-square-foot basis which appears to be logical given the subject's newer date of construction, smaller dwelling size and unfinished basement feature. Based on this record and after considering adjustments to the best comparable sales when compared to the subject, the Board finds the appellant failed to establish by a preponderance of the evidence that the subject property is overvalued and 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: July 20, 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

State of Illinois  
Property Tax Appeal Board  
William G. Stratton Building, Room 402  
401 South Spring Street  
Springfield, IL 62706-4001

APPELLANT

Andrew J. & Jenny Fleury, Jr., by attorney:  
Robert J. Masini  
Grach, Masini, Hazan & Gurysh, LLP  
140 South Milwaukee Avenue  
Libertyville, IL 60048

COUNTY

Lake County Board of Review  
Lake County Courthouse  
18 North County Street, 7th Floor  
Waukegan, IL 60085