



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

APPELLANT: Susan Ulman
DOCKET NO.: 19-00775.001-R-1
PARCEL NO.: 16-32-319-009

The parties of record before the Property Tax Appeal Board are Susan Ulman, 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: \$ 54,934
IMPR.: \$130,454
TOTAL: \$185,388

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 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 single-family dwelling of brick and wood siding exterior construction with 2,888 square feet of living area. The dwelling was constructed in 1973. Features of the home include an unfinished basement,¹ central air conditioning, a fireplace and a 440 square foot garage. The property has a 10,800 square foot site at the end of a cul-de-sac and is located in Deerfield, West Deerfield Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted both an appraisal and four comparable sales.

¹ The assessing officials report an unfinished basement, although the appellant's appraisers report a partially finished basement on Appraisal, p. 16.

The appraisal was prepared by John T. Setina, III and Thomas W. Grogan, both of whom are Certified General Real Estate Appraisers with Sterling Valuation. In addition, Grogan has the MAI designation from the Appraisal Institute. The appraisers utilized the sales comparison approach to value in estimating the subject property had a market value of \$490,000 as of January 1, 2018. The purpose of the appraisal was to estimate the market value of the fee simple estate in order to obtain a fair and equitable real estate tax assessment.

In the sales comparison approach, the appraisers analyzed four sales and one active listing located in Deerfield. The comparable parcels range in size from 8,960 to 13,867 square feet of land area and have each been improved with a two-story dwelling. The homes were built between 1972 and 1985 and range in size from 2,888 to 3,447 square feet of living area. Each comparable has a basement, three of which are reportedly finished as described in pages 21 to 25 of the appraisal report. Based on the appraisal data and/or photographs, all but comparable #2 have two-car garages. Comparable #5, the active listing, also has an inground swimming pool. The listing was reportedly offered for sale in May 2017 with an asking price of \$514,900 which was lowered as of January 2018 to \$499,990 and then the property was "taken off the market as of May 31, 2018." (Appraisal, p. 25). Comparables #1 through #4 sold between September 2016 and June 2018 for prices ranging from \$498,000 to \$592,500 or from \$154.48 to \$174.86 per square foot of living area, including land. Comparable #5 as an active listing was reported to have been offered for \$499,990 or \$173.13 per square foot of living area, including land, as analyzed by the appraisers.

Recognizing a valuation date of January 1, 2018, the appraisers asserted that comparable #5 as a listing required a downward adjustment for its status. The appraisers determined that comparables #1 and #4 require upward adjustments for their larger dwelling sizes. Comparables #3 and #4 require downward adjustments for the newer ages than the subject and upward adjustments for differences in lot size when compared to the subject. Additional adjustments were made and/or considered by the appraisers for differences in bedrooms and/or bathrooms. (Appraisal, p. 26-27). Through this analysis, the appraisers opined a value for the subject of \$170.00 per square foot of living area, including land, or \$490,000, rounded.

In the Section V grid analysis of the Residential Appeal petition, the appellant also provided information on four comparable sales located in the same neighborhood code as the subject property. Comparables #1, #3 and #4 have land areas of 10,800 square feet, respectively, and no land size was reported for appellant's comparable #2. The comparables are each improved with two-story dwellings of brick exterior construction. The homes range in age from 42 to 50 years old and range in size from 2,447 to 3,413 square feet of living area. Each comparable has an unfinished basement, central air conditioning, a fireplace and a garage ranging in size from 440 to 572 square feet of building area. The comparables sold from April 2018 to March 2019 for prices ranging from \$310,000 to \$500,000 or from \$122.14 to \$172.46 per square foot of living area, including land.

Based on the foregoing evidence, the appellant requested a reduced total assessment of \$147,475 which would reflect a market value of approximately \$442,469 or \$153.21 per square foot of living area, including land, when applying 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 \$185,388. The subject's assessment reflects a market value of \$563,661 or \$195.17 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 response to the appellant's evidence, the board of review noted that the appellant's appraisal presents an opinion of value twelve months prior to the assessment date at issue of January 1, 2019 and appraisal sales #2, #3 and #4 sold from 2016 to 2017. Furthermore, appraisal sale #5 was an active listing at the time the appraisal was prepared and the board of review reports that the listing was cancelled in August 2019 with no further listing evidence.

Additionally, appellant's comparable sale #2 is a property that backs to a major east/west thoroughfare with negative traffic influence as compared to the subject's location on a quiet cul-de-sac; in addition, the board of review found no evidence that this sale was subject to typical market exposure. Appellant's comparable sale #3 is of a different design, being a split-level, as compared to the subject's two-story design.

In support of its contention of the correct assessment, the board of review submitted four comparable sales reportedly located within .45 of a mile from the subject and each of which have the same neighborhood code as the subject. In further support, the board of review provided copies of the listing sheets, property record cards and a location map depicting its comparables. The comparable parcels range in size from 9,520 to 12,120 square feet of land area. The parcels are each improved with a two-story dwelling of brick and wood siding exterior construction which were built in either 1974 or 1975. The homes range in size from 2,377 to 2,888 square feet of living area. Each dwelling has a basement, central air conditioning, a fireplace and a garage ranging in size from 440 to 515 square feet of building area. The comparables sold from December 2017 to April 2019 for prices ranging from \$510,000 to \$585,000 or from \$192.87 to \$244.01 per square foot of living area, including land. Based on the foregoing evidence and argument, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

In rebuttal, counsel for the appellant argued that no adjustments have been made to the board of review comparable sales, unlike the appellant's appraisal report. After outlining additional similar arguments, counsel for the appellant contended that the appellant's January 1, 2018 appraisal was the best evidence of value and thus the subject's assessment should be reduced to \$163,317 or 33.33% of the appraised value conclusion of \$490,000.

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 appellant submitted an appraisal along with four raw comparable sales and the board of review submitted four raw comparable sales to support their respective positions before the Property Tax Appeal Board. Having thoroughly examined the appellant's appraisal report, the Board gives little weight to the value conclusion determined utilizing the sales comparison approach as the appraisers utilized comparables that sold less proximate to the assessment date at issue of January 1, 2019 since the appraisal report was prepared for a valuation date of January 1, 2018. Moreover, two of the five comparable properties were significantly larger than the subject. Given these concerns related to the properties chosen by the appellant's appraisers for the sales comparison approach analysis, the Board finds the appraisers' value conclusion of \$490,000 as of January 1, 2018 is not a credible or reliable indicator of the subject's estimated market value as of the assessment date at issue.

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 record will be analyzed.

Including the five properties set forth in the appraisal, the four comparables presented by appellant through counsel in the Section V grid analysis and the four comparables presented by the board of review, the record contains thirteen comparables, one of which was an active listing. The Board has given reduced weight to all of the comparables from the appellant's appraisal report due to the dates of sale and/or differences in dwelling size when compared to the subject and appraisal comparable #5 never actually sold, having been taken off the market in May 2018, such that it does not reflect a market transaction. The Board has given reduced weight to appellant's comparable sales #2, #3 and #4 due to the lack of advertising as established by the board of review, the differing design when compared to the subject as established by the board of review and the differing dwelling size when compared to the subject, respectively. The Board has given reduced weight to board of review comparables #3 and #4 due to differences in dwelling size and date of sale, respectively.

Therefore, on this record the Board finds the best evidence of market value to be appellant's comparable sale #1 and board of review comparable sales #1 and #2. These three comparables are highly similar to the subject in design, age, size and other features and sold from October 2018 to April 2019, in close proximity to the assessment date, for prices ranging from \$485,000 to \$585,000 or from \$171.74 to \$202.56 per square foot of living area, including land. The subject's assessment reflects a market value of \$563,661 or \$195.17 per square foot of living area, including land, which is within the range of the best comparable sales evidence in the record. Based on this evidence and after considering adjustments to the best three comparable sales in the record for differences when compared to the subject, the Property Tax Appeal 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:

October 19, 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

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