



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

APPELLANT: Jeffrey Donelan
DOCKET NO.: 19-05717.001-R-1
PARCEL NO.: 11-22-400-020

The parties of record before the Property Tax Appeal Board are Jeffrey Donelan, the appellant, 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 **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: \$88,457
IMPR.: \$111,523
TOTAL: \$199,980

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 one-story dwelling of brick and frame exterior construction with 3,081 square feet of living area. The dwelling was built in 1979. Features of the home include a full walkout basement that is 70% finished, central air conditioning, two fireplaces, an attached 974 square foot garage and an inground swimming pool.¹ The property has a 65,780 square foot site and is located in Libertyville, Libertyville Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$550,000 as of January 2, 2019. The appellant's appraiser disclosed the subject's kitchen and bathrooms have been updated, as well as new interior paint, carpet and refinished hardwood. The appraiser acknowledged not making swimming pool adjustments to the comparables in the sales

¹ The Board finds the subject has finished basement area based on the photographs within the appellant's appraisal.

comparison approach and disclosed a subtraction for the subject's swimming pool under functional depreciation was made in the cost approach, based on market reaction to in-ground pool. The appellant's appraisal was completed using the cost approach and the sales comparison approach to value property in estimating a market value for the subject property.

Under the cost approach, the appellant's appraiser calculated a site value for the subject of \$125,000. The appraiser then calculated a cost-new for the subject's improvements of \$650,488 and subtracted \$210,844 for depreciation to arrive at a depreciated cost of improvements of \$439,644. The appraiser added \$10,000 for "As-is" value of site improvements to arrive at an indicated value for the subject by the cost approach of \$574,644.

Under the sales comparison approach, the appellant's appraiser selected six comparable properties that are located from .24 to .96 of a mile from the subject property. The comparables have sites ranging in size from 31,912 to 81,893 square feet of land area that are improved with one-story or two-story dwellings that range in size from 2,426 to 4,250 square feet of living area. The homes range in age from 37 to 78 years old. The comparables have other features with varying degrees of similarity to the subject, with comparable #1 having an inground swimming pool. Four of the comparables sold from March to August 2018 for prices ranging from \$452,900 to \$553,500 or from \$126.47 to \$208.87 per square foot of living area, including land. Comparables #5 and #6 had asking prices of \$549,500 and \$659,500 or \$226.50 and \$199.61 per square foot of living area, including land, respectively. After adjusting the comparable sales for differences when compared to the subject, the appellant's appraiser estimated the subject had an indicated value for the subject by the sales comparison approach of \$550,000. Under reconciliation, the appellant's appraiser estimated the subject had a market value of \$550,000 as of January 1, 2019.

Based on this evidence the appellant requested that the subject's assessment be reduced to \$183,315.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$199,980. The subject's assessment reflects a market value of \$608,027 or \$197.35 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 that are located from .31 to 1.24 of a mile from the subject. The comparables have sites ranging in size from 40,050 to 220,330 square feet of land area that are improved with one-story dwellings that range in size from 3,136 to 3,910 square feet of living area. The comparables were built from 1964 to 1988, with the two oldest homes built in 1964 and 1970 having 1968 and 1983 effective ages. The comparables have other features with varying degrees of similarity to the subject. The comparables sold from March 2018 to October 2020 for prices ranging from \$590,000 to \$910,000 or from \$179.60 to \$233.58 per square foot of living area, including land. The board of review's submission included a brief arguing the subject has a superior site and the appellant's appraisal included dissimilar two-story dwellings.

Based on this evidence the board of review requested confirmation of the subject's assessment.

Under rebuttal, the appellant's counsel submitted a letter critiquing the board of review's submission. The appellant's rebuttal submission included Google Maps depicting the proximate locations of the board of review's comparables to that of the subject and Multiple Listing Service (MLS) data for the board of review's comparable #1 disclosing a 512 square foot Sunroom addition should be added to the 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.

As an initial matter regarding the appellant's appraisal, the Board gives less weight to the value conclusion and the appraisal comparables #1, #2, #4 and #5, due to the appraiser's use of properties that have dissimilar two-story dwellings, when compared to the subject's one-story design. In addition, the appellant's appraisal comparable #1 is significantly older and larger than the subject, and comparable #5 is significantly smaller than the subject.

The Board finds the best evidence of market value to be the appellant's appraisal sale #3 and listing #6, as well as the board of review's comparable #3. These comparables are similar to the subject in location, style, age, size and some features. However, the appellant's appraisal comparable #3 is significantly older, smaller and lacks an inground swimming pool, when compared to the subject, and the board of review's comparable #3 sold 22 months after the January 1, 2019 assessment date at issue. Nevertheless, the best comparable sales occurred in July 2018 and October 2020 for prices of \$452,900 and \$590,000 or \$175.27 and \$179.60 per square foot of living area, including land. The appellant's appraisal comparable #6 has a listing price of \$659,500 or \$199.61 per square foot of living area, including land. The subject's assessment reflects a market value of \$608,027 or \$197.35 per square foot of living area, including land, which is supported by the best comparable sales and listing in the record after considering adjustments for differences when compared to the subject. Finally, the Board gives less weight to the board of review's comparables #1 and #2 due to their significantly larger size and/or their distant locations from the subject. Based on the evidence in this record, the Board finds 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:

May 17, 2022



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

Jeffrey Donelan, by attorney:
Scott Shudnow
Shudnow & Shudnow, Ltd.
77 West Washington Street
Suite 1620
Chicago, IL 60602

COUNTY

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