



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

APPELLANT: Michael Mayer
DOCKET NO.: 19-06461.001-R-1
PARCEL NO.: 16-25-404-040

The parties of record before the Property Tax Appeal Board are Michael Mayer, 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: \$122,248
IMPR.: \$137,979
TOTAL: \$260,227

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 2-story Dutch Colonial dwelling of brick, frame, and masonry construction with 3,858 square feet of living area.¹ The dwelling was constructed in 1968 and is approximately 51 years old. Features of the home include a partial basement and partial crawl-space foundation, central air conditioning, a fireplace, a central vacuum system, and a 2-car

¹ The parties dispute the subject's dwelling size. The appellant described the subject dwelling with 3,834 square feet of living area whereas the board of review described the subject dwelling with 3,934 square feet of living area. The appellant presented an appraisal containing a sketch of the subject dwelling with measurements and a deduction for second floor area that is open to the first floor. The board of review presented the subject's property record card including a sketch of the subject dwelling with measurements that are rounded to the nearest whole number and without a deduction for the second floor open area. In rebuttal, the appellant disagreed with the larger dwelling size described in the subject's property record card. The Board finds the best evidence of the subject's dwelling size is found in the appraisal which contains more precise measurements than the property record card and includes a deduction for the second floor open area unlike the property record card.

garage. The property has a 17,315 square foot site and is located in Highland Park, Moraine 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 \$700,000 as of January 1, 2019. The appraisal was prepared by Gary Nusinow, a certified general real estate appraiser, for the purpose of estimating the market value of the subject property as of January 1, 2019 for *ad valorem* tax purposes.

Under the sales comparison approach, the appraiser analyzed the sales of five comparables located from 0.21 to 0.66 of a mile from the subject property. The appraiser stated that information regarding the comparable sales was taken from "MRED MLS, County Assessor, Realist." The parcels range in size from 12,244 to 19,275 square feet of land area and are improved with Colonial, 2.5-story Tudor, or Bungalow style homes of brick and masonry, brick, frame, and masonry, or frame, stucco, and masonry construction. The homes range in size from 2,880 to 3,584 square feet of living area. The dwellings are from approximately 72 to 108 years old with two homes having effective ages of 25 years old. Each home has a basement, three of which have finished area, and one or two fireplaces. Three homes have central air conditioning and four homes each have a 2-car garage. Comparable #4 has an irrigation system. The comparables sold from March 2017 to September 2018 for prices ranging from \$550,000 to \$750,000 or from \$189.55 to \$209.26 per square foot of living area, including land.

The appraiser adjusted the comparables for differences from the subject, such as location, view, quality of construction, age, condition, dwelling size, room count, basement finish, and other amenities. This process resulted in adjusted sales prices ranging from \$635,500 to \$729,400. Based on the foregoing sales and adjustment process, Nusinow set forth an opinion of market value for the subject of \$700,000 or \$181.44 per square foot of living area, including land, as of January 1, 2019 under the sales comparison approach.

The appellant submitted a brief summarizing the appraisal report, including reiterating the appraiser's description of the subject property, the appraiser's conclusion that sales in the neighborhood support stable residential property prices, and the appraiser's adjustments. The appellant disputed the dwelling size shown in the subject's property record card and stated that the appraiser determined the dwelling size based on personal inspection and measurement of the subject property.

Based on this evidence and argument the appellant requested a reduction in the subject's assessment to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$260,227. The subject's assessment reflects a market value of \$791,204 or \$205.08 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.

The board of review submitted a brief noting the dispute regarding the subject's dwelling size and stating the issue "needs to be directed to TWP assessor for evaluation." The board of review

further contended in its brief that the subject is newer than the appraisal sales, has a larger dwelling than some of the appraisal sales, and is in better condition than some of the appraisal sales. The board of review presented listing sheets for appraisal sales #4 and #5, in which appraisal sale #5 is described as “available as a tear down” and appraisal sale #4 is described as being sold “AS IS.” The board of review also submitted a copy of a lis pendens notice for appraisal sale #2, which was recorded on December 21, 2017 with the Lake County Recorder as Document 7452807.

The board of review presented a grid analysis of the appraisal sales which differs from the appraisal in its descriptions of those comparables. The parties differ with respect to the lot sizes of appraisal sales #1 and #3, the effective ages of appraisal sales #1 and #2, the dwelling sizes of appraisal sales #2, #3, and #4, the basement finish of appraisal sale #4, and the number of fireplaces of appraisal sale #4.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales. The comparables are located from 0.06 to 0.52 of a mile from the subject property and within the same assessment neighborhood code as the subject property. The parcels range in size from 13,670 to 19,500 square feet of land area and are improved with 2-story or 2.5-story homes of wood siding, stucco, or wood siding and stone exterior construction ranging in size from 3,660 to 4,288 square feet of living area. The dwellings were built from 1911 to 2004 with the two oldest homes having effective ages of 1937 and 1946. Each home has a basement with a recreation room, central air conditioning, two fireplaces, and a garage ranging in size from 360 to 700 square feet of building area. The comparables sold in May 2018 or December 2018 for prices ranging from \$950,000 to \$1,062,000 or from \$247.67 to \$269.81 per square foot of living area, including land.

Based on this evidence and argument, the board of review requested confirmation of the subject’s assessment.

In written rebuttal, the appellant submitted a brief stating that the board of review did not submit an appraisal to refute the appraisal presented by the appellant but rather the board of review submitted raw unadjusted sales data without MLS listing sheets or interior photographs of these comparables. The appellant noted that the board of described is comparables as being in very good condition, compared its description of the subject in good condition. The appellant presented the MLS listing sheets for the board of review’s comparables, which describe recent renovations, superior finishes and/or customization which the subject lacks.

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 and the board of review submitted three comparable sales to support their respective positions before the Board. The Board has given reduced weight to the value conclusion contained within the appellant's appraisal report. The Board finds the appraiser made adjustments which are inconsistent with the descriptions of the appraisal sales found in the board of review's grid analysis, which was not refuted by the appellant in rebuttal. Nusinow identified "MRED MLS, County Assessor, Realist" as sources of the descriptive information of the comparables and, given this record, the Board finds the appraiser apparently did not consult the comparables' property record cards to verify descriptive information. Consequently, the Board finds some adjustments for age/effective age, dwelling size, finished basement area, and number of fireplaces are questionable and/or inconsistent. Therefore, with the foregoing inconsistencies and questionable adjustments, the Board finds the appraisal lacks credibility and reliability as an indication of the subject's estimated market value; however, the Board will analyze the raw sales data submitted in the appraisal report, together with the comparable sales presented by the board of review.

Thus, the record contains a total of eight comparable sales for the Board's consideration. The Board gives less weight to appraisal sales #2, #3, #4, and #5, due to differences from the subject in dwelling size. Moreover, appraisal sale #3 sold more remotely in time to the January 1, 2019 assessment date and appraisal sale #5 lacks a garage which is a feature of the subject.

The Board finds the best evidence of market value to be appraisal sale #1 and the board of review's comparables, which are relatively similar to the subject in dwelling size, location, and some features; however, none of these comparables are similar to the subject in age and all of these comparables have finished basement area unlike the subject. The most similar comparables sold from May to December 2018 for prices ranging from \$750,000 to \$1,062,000 or from \$209.26 to \$269.81 per square foot of living area, including land. The subject's assessment reflects a market value of \$791,204 or \$205.08 per square foot of living area, including land, which is within the range established by the best comparable sales in terms of total market value and below the range on a price per square foot basis. Based on this evidence and after considering appropriate adjustments to the best 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:

April 19, 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

Michael Mayer, 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