



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

APPELLANT: Tom O'Rourke  
DOCKET NO.: 19-06552.001-R-1  
PARCEL NO.: 14-18-212-031

The parties of record before the Property Tax Appeal Board are Tom O'Rourke, 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:** \$13,553  
**IMPR.:** \$139,147  
**TOTAL:** \$152,700

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 dwelling of brick and wood siding exterior construction with 2,814 square feet of living area. The dwelling was constructed in 2006 and is 13 years old. Features of the home include a basement that is 80% finished,<sup>1</sup> central air conditioning, a fireplace, and a 3-car, 792 square foot garage. The property has an approximately 10,400 square foot site and is located in Lake Zurich, Ela 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 \$417,000

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<sup>1</sup> The Board finds the best description of the subject's basement finish was contained in the appraisal report which included interior photographs.

as of January 1, 2019. The appraisal was prepared by Gregory Khorolinsky, a certified residential real estate appraiser.

The intended use of the appraisal report was to evaluate the property for a general purpose with “unknown” additional intended users. The appraiser indicated that the search for comparables focused on properties located within 1.5 miles of the subject ranging in age from 10-60 years old and generally similar in size, design and other features. Khorolinsky opined that the comparables selected represented the most relevant comparable sales in the subject market area. On URAR page 1, Khorolinsky describes the subject’s overall condition as “acceptable and consistent with that typically found in a well-maintained 49-year-old dwelling” and reported no significant remodeling or renovation has taken place.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value selecting three comparable sales located from 0.54 to 1.36 miles from the subject property. The comparables have sites that range in size from 9,754 to 11,539 square feet of land area and are improved with two-story colonial style dwellings of “Q4” quality construction that range in size from 2,723 to 2,931 square feet of living area. The homes are 31 or 42 years old. Each comparable has a basement, two with finished area, central air conditioning, one or two fireplaces and a two-car garage. The comparables sold from May to July 2018 for prices ranging from \$405,000 to \$417,500 or from \$142.44 to \$151.30 per square foot of living area, land included.

The appraiser adjusted the comparables for differences with the subject in age, dwelling size, basement features, garage capacity and number of fireplaces. Khorolinsky stated that, based on “listing broker comments, MLS photos and the subject’s inspection,” comparables #2 and #3 were considered to have superior updates, relative to the subject, and were further adjusted. The appraiser arrived at adjusted sale prices for the comparables ranging from \$415,500 to \$432,500 and an opinion of market value for the subject of \$417,000. Based on this evidence, the appellant requested the subject’s assessment be reduced to \$138,986 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 \$152,700. The subject's assessment reflects a market value of \$464,275 or \$164.99 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 four comparables located from 0.34 to 1.52 miles from the subject property. The comparables have sites that range in size from 5,820 to 19,110 square feet of land area and are improved with two-story dwellings of wood siding exterior construction that range in size from 2,482 to 2,730 square feet of living area. The homes were built from 1987 to 2003. Each comparable has a basement with finished area,<sup>2</sup> central air conditioning, one fireplace and a garage ranging in size from 420 to 828 square feet of building area. The comparables sold from March to September

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<sup>2</sup> Basement descriptions for the board of review comparables were corrected with information contained in the MLS listing sheets for each of the properties which were submitted by the appellant in rebuttal.

2018 for prices ranging from \$424,000 to \$497,500 or from \$167.46 to \$187.35 per square foot of living area, land included.

The board of review also submitted the subject's property record card and handwritten comments critiquing the elements of the appraisal. The board of review questioned the use of an across-the-board adjustment for age given the range of age differences between the comparables and the subject property. The board of review objected to the negative adjustment made by the appraiser for updating of appraisal comparables #2 and #3, contending the interior photos of these properties and the subject property suggests the subject property is in overall superior condition than comparables #2 and #3. The board of review also questioned why sales from the subject's own neighborhood were not utilized by the appraiser. The property record card reported that the subject property sold in September 2015 for a price of \$460,000. Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellant's attorney argued that the appellant's evidence reflects a professionally prepared appraisal while the board of review submitted unadjusted raw sales. The attorney argued that the board of review's comparable #1 has a substantially larger lot size than the subject and is advertised as a custom home, that comparable #2 has an updated kitchen and a "luxury spa," that comparables #3 and #4 are 1.9 and 2.0 miles away from the subject, respectively, and that comparable #4 is located "steps away from the beach." In support of these claims, the attorney submitted copies of the Multiple Listing Service (MLS) sheets for each of the board of review comparables along with walking maps from comparables #3 and #4 to the subject.

### **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 four comparable sales for the Board's consideration. The Board finds adjustments made by the appraiser, with respect to age, lack support and are not explained in the report. The appellant, in rebuttal, provided no evidence supporting the appraiser's adjustments made to comparables #2 and #3 for superior updating. While the appellant submitted the MLS sheets for each of the board of review comparable properties, the appellant failed to submit the same information for appraisal comparables #3 and #4. This is relevant since the appraiser's claim of superior condition for these properties was directly contradicted by the board of review. The appraiser, without explanation, failed to select board of review comparables #1, #2 and #3 which is most similar to the subject in location in the subject's neighborhood, age, dwelling size and/or garage size. For these reasons, the Board gives the value opinion contained in the appraisal report little weight. The Board gives less weight to the board of review's comparables #1 and #4 which have substantially different site sizes when compared to the subject's site size.

The Board finds the best evidence of market value to be board of review comparables #2 and #3 which are similar to the subject in location, site size, design, dwelling size and other features although one of these two best comparables is approximately 19 years older than the subject property, suggesting an upward adjustment would be necessary to make this property more equivalent to the subject. These two best comparables sold in March and April 2018 for prices of \$465,000 and \$497,500 or for \$182.23 and \$187.35 per square foot of living area, including land. The subject's assessment reflects a market value of \$464,275 or \$164.99 per square foot of living area, including land, which falls below the two best comparable sales in the record on an overall and per square foot basis. After considering adjustments to the comparables for differences from 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: June 21, 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

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