



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

APPELLANT: 1199 E Port Clinton Road Condo
DOCKET NO.: 19-07170.001-R-2 through 19-07170.066-R-2
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are 1199 E Port Clinton Road Condo, the appellant, by attorney William J. Seitz, of the Law Offices of William J. Seitz, LLC in Northbrook; the Lake County Board of Review; and the Lincolnshire-Prairie View S.D. #103 and Stevenson H.S.D. #125, intervenors, by attorney Scott L. Ginsburg of Robbins, Schwartz, Nicholas, Lifton, and Taylor in Chicago.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **a reduction** in the assessments of the properties in bold below, **an increase** in the assessment to parcel #15-15-107-071 (italicized), and **no change** to the remaining parcels as established by the **Lake** County Board of Review is warranted. The correct assessed valuation of each parcel is:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
19-07170.001-R-2	15-15-107-028	142	66,079	\$66,221
19-07170.002-R-2	15-15-107-029	142	91,634	\$91,776
19-07170.003-R-2	15-15-107-030	142	121,428	\$121,570
19-07170.004-R-2	15-15-107-031	142	113,385	\$113,527
19-07170.005-R-2	15-15-107-032	142	83,325	\$83,467
19-07170.006-R-2	15-15-107-033	142	81,509	\$81,651
19-07170.007-R-2	15-15-107-034	142	86,653	\$86,795
19-07170.008-R-2	15-15-107-035	142	86,653	\$86,795
19-07170.009-R-2	15-15-107-036	142	134,052	\$134,194
19-07170.010-R-2	15-15-107-037	142	99,511	\$99,653
19-07170.011-R-2	15-15-107-038	142	91,634	\$91,776
19-07170.012-R-2	15-15-107-039	143	66,078	\$66,221
19-07170.013-R-2	15-15-107-040	143	91,795	\$91,938
19-07170.014-R-2	15-15-107-041	143	121,569	\$121,712
19-07170.015-R-2	15-15-107-042	143	113,719	\$113,862
19-07170.016-R-2	15-15-107-043	143	86,652	\$86,795
19-07170.017-R-2	15-15-107-044	143	79,802	\$79,945
19-07170.018-R-2	15-15-107-045	143	86,652	\$86,795
19-07170.019-R-2	15-15-107-046	143	86,652	\$86,795
19-07170.020-R-2	15-15-107-047	143	134,307	\$134,450
19-07170.021-R-2	15-15-107-048	143	99,510	\$99,653
19-07170.022-R-2	15-15-107-049	143	91,322	\$91,465
19-07170.023-R-2	15-15-107-050	144	66,077	\$66,221

19-07170.024-R-2	15-15-107-051	144	88,719	\$88,863
19-07170.025-R-2	15-15-107-052	144	121,243	\$121,387
19-07170.026-R-2	15-15-107-053	144	113,441	\$113,585
19-07170.027-R-2	15-15-107-054	144	86,651	\$86,795
19-07170.028-R-2	15-15-107-055	144	81,507	\$81,651
19-07170.029-R-2	15-15-107-056	144	86,651	\$86,795
19-07170.030-R-2	15-15-107-057	144	86,651	\$86,795
19-07170.031-R-2	15-15-107-058	144	134,483	\$134,627
19-07170.032-R-2	15-15-107-059	144	99,509	\$99,653
19-07170.033-R-2	15-15-107-060	144	91,322	\$91,466
19-07170.034-R-2	15-15-107-061	146	66,075	\$66,221
19-07170.035-R-2	15-15-107-062	146	90,828	\$90,974
19-07170.036-R-2	15-15-107-063	146	122,094	\$122,240
19-07170.037-R-2	15-15-107-064	146	113,441	\$113,587
19-07170.038-R-2	15-15-107-065	146	86,649	\$86,795
19-07170.039-R-2	15-15-107-066	146	81,505	\$81,651
19-07170.040-R-2	15-15-107-067	146	86,649	\$86,795
19-07170.041-R-2	15-15-107-068	146	86,169	\$86,315
19-07170.042-R-2	15-15-107-069	146	134,222	\$134,368
19-07170.043-R-2	15-15-107-070	146	99,507	\$99,653
<i>19-07170.044-R-2</i>	<i>15-15-107-071</i>	<i>146</i>	<i>91,792</i>	<i>\$91,938</i>
19-07170.045-R-2	15-15-107-072	147	66,074	\$66,221
19-07170.046-R-2	15-15-107-073	147	91,534	\$91,681
19-07170.047-R-2	15-15-107-074	147	121,583	\$121,730
19-07170.048-R-2	15-15-107-075	147	113,697	\$113,844
19-07170.049-R-2	15-15-107-076	147	86,648	\$86,795
19-07170.050-R-2	15-15-107-077	147	81,504	\$81,651
19-07170.051-R-2	15-15-107-078	147	86,169	\$86,316
19-07170.052-R-2	15-15-107-079	147	86,648	\$86,795
19-07170.053-R-2	15-15-107-080	147	134,222	\$134,369
19-07170.054-R-2	15-15-107-081	147	99,506	\$99,653
19-07170.055-R-2	15-15-107-082	147	91,364	\$91,511
19-07170.056-R-2	15-15-107-083	148	61,983	\$62,131
19-07170.057-R-2	15-15-107-084	148	91,577	\$91,725
19-07170.058-R-2	15-15-107-085	148	121,839	\$121,987
19-07170.059-R-2	15-15-107-086	148	114,208	\$114,356
19-07170.060-R-2	15-15-107-087	148	86,647	\$86,795
19-07170.061-R-2	15-15-107-088	148	81,503	\$81,651
19-07170.062-R-2	15-15-107-089	148	86,647	\$86,795
19-07170.063-R-2	15-15-107-090	148	86,647	\$86,795
19-07170.064-R-2	15-15-107-091	148	134,568	\$134,716
19-07170.065-R-2	15-15-107-092	148	99,505	\$99,653
19-07170.066-R-2	15-15-107-093	148	91,790	\$91,938

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 on appeal consists of 66 units in a single condominium building that was constructed in 2009. The condominium units range in size from 933 to 2,038 square feet of living area and range from 1.01% to 2.18% ownership interest in the common elements.¹ The property is located in Vernon Hills, Vernon Township, Lake County.

The appellant reported that percentage of ownership interest in the common elements of the condominium property is proportionally based on the size of the individual units with the largest units having the largest percentage of ownership interest and the smaller units having smaller percentage interest. The 66 parcel numbers and their associated unit numbers, percentage ownership interest in the common elements, and assessments as presented by the appellant's counsel and not contested by the board of review or the intervenors are depicted in the following two charts:

¹ The information regarding the sizes of living areas was drawn from the property record cards submitted by the board of review for each of the 66 subject units, and the percentage ownership interest in the common elements was accepted from the evidence submitted by the appellant, neither of which was contested by any of the parties.

Assessments

CURRENT

	PIN	Unit	% Common Elements	Land A.V	Building A.V.	Total A.V.
1	15-15-107- 028	201	1.03%	\$142	\$68,944	\$69,086
2	15-15-107- 029	202	1.43%	\$142	\$91,634	\$91,776
3	15-15-107- 030	203	1.93%	\$142	\$121,428	\$121,570
4	15-15-107- 031	204	1.80%	\$142	\$113,385	\$113,527
5	15-15-107- 032	205	1.35%	\$142	\$83,325	\$83,467
6	15-15-107- 033	206	1.27%	\$142	\$82,659	\$82,801
7	15-15-107- 034	207	1.35%	\$142	\$89,026	\$89,168
8	15-15-107- 035	208	1.35%	\$142	\$89,026	\$89,168
9	15-15-107- 036	209	2.18%	\$142	\$134,052	\$134,194
10	15-15-107- 037	210	1.55%	\$142	\$101,892	\$102,034
11	15-15-107- 038	211	1.43%	\$142	\$91,634	\$91,776
12	15-15-107- 039	301	1.03%	\$143	\$68,907	\$69,050
13	15-15-107- 040	302	1.43%	\$143	\$91,975	\$92,118
14	15-15-107- 041	303	1.93%	\$143	\$121,569	\$121,712
15	15-15-107- 042	304	1.80%	\$143	\$113,719	\$113,862
16	15-15-107- 043	305	1.35%	\$143	\$89,026	\$89,169
17	15-15-107- 044	306	1.27%	\$143	\$79,802	\$79,945
18	15-15-107- 045	307	1.35%	\$143	\$88,714	\$88,857
19	15-15-107- 046	308	1.35%	\$143	\$88,714	\$88,857
20	15-15-107- 047	309	2.18%	\$143	\$134,307	\$134,450
21	15-15-107- 048	310	1.55%	\$143	\$101,773	\$101,916
22	15-15-107- 049	311	1.43%	\$143	\$91,322	\$91,465
23	15-15-107- 050	401	1.03%	\$144	\$68,732	\$68,876
24	15-15-107- 051	402	1.43%	\$144	\$88,719	\$88,863
25	15-15-107- 052	403	1.93%	\$144	\$121,243	\$121,387
26	15-15-107- 053	404	1.80%	\$144	\$113,441	\$113,585
27	15-15-107- 054	405	1.35%	\$144	\$88,714	\$88,858
28	15-15-107- 055	406	1.27%	\$144	\$82,290	\$82,434
29	15-15-107- 056	407	1.35%	\$144	\$89,026	\$89,170
30	15-15-107- 057	408	1.35%	\$144	\$88,764	\$88,908
31	15-15-107- 058	409	2.18%	\$144	\$134,483	\$134,627
32	15-15-107- 059	410	1.55%	\$144	\$102,029	\$102,173
33	15-15-107- 060	411	1.43%	\$144	\$91,322	\$91,466

Assessments

			CURRENT			
	PIN	Unit	% Common Elements	Land A.V	Building A.V.	Total A.V.
34	15-15-107- 061	501	1.03%	\$146	\$66,100	\$66,246
35	15-15-107- 062	502	1.43%	\$146	\$90,828	\$90,974
36	15-15-107- 063	503	1.93%	\$146	\$122,094	\$122,240
37	15-15-107- 064	504	1.80%	\$146	\$113,441	\$113,587
38	15-15-107- 065	505	1.35%	\$146	\$89,082	\$89,228
39	15-15-107- 066	506	1.27%	\$146	\$82,659	\$82,805
40	15-15-107- 067	507	1.35%	\$146	\$89,082	\$89,228
41	15-15-107- 068	508	1.35%	\$146	\$86,169	\$86,315
42	15-15-107- 069	509	2.18%	\$146	\$134,222	\$134,368
43	15-15-107- 070	510	1.55%	\$146	\$101,603	\$101,749
44	15-15-107- 071	511	1.43%	\$146	\$88,719	\$88,865
45	15-15-107- 072	601	1.03%	\$147	\$68,767	\$68,914
46	15-15-107- 073	602	1.43%	\$147	\$91,534	\$91,681
47	15-15-107- 074	603	1.93%	\$147	\$121,583	\$121,730
48	15-15-107- 075	604	1.80%	\$147	\$113,697	\$113,844
49	15-15-107- 076	605	1.35%	\$147	\$89,026	\$89,173
50	15-15-107- 077	606	1.27%	\$147	\$82,468	\$82,615
51	15-15-107- 078	607	1.35%	\$147	\$86,169	\$86,316
52	15-15-107- 079	608	1.35%	\$147	\$88,643	\$88,790
53	15-15-107- 080	609	2.18%	\$147	\$134,222	\$134,369
54	15-15-107- 081	610	1.55%	\$147	\$99,596	\$99,743
55	15-15-107- 082	611	1.43%	\$147	\$91,364	\$91,511
56	15-15-107- 083	701	1.01%	\$148	\$61,983	\$62,131
57	15-15-107- 084	702	1.43%	\$148	\$91,577	\$91,725
58	15-15-107- 085	703	1.93%	\$148	\$121,839	\$121,987
59	15-15-107- 086	704	1.80%	\$148	\$114,208	\$114,356
60	15-15-107- 087	705	1.35%	\$148	\$88,913	\$89,061
61	15-15-107- 088	706	1.27%	\$148	\$82,447	\$82,595
62	15-15-107- 089	707	1.35%	\$148	\$89,012	\$89,160
63	15-15-107- 090	708	1.35%	\$148	\$89,012	\$89,160
64	15-15-107- 091	709	2.18%	\$148	\$134,568	\$134,716
65	15-15-107- 092	710	1.55%	\$148	\$101,787	\$101,935
66	15-15-107- 093	711	1.43%	\$148	\$91,832	\$91,980
			100.00%	\$9,570	\$6,403,842	\$6,413,412

The appellant appeared before the Property Tax Appeal Board through attorney William J. Seitz of the Law Offices of William J. Seitz, LLC; the Lake County Board of Review was represented by Mass Appraisal Specialist, Jack L. Perry II; and the intervenors were represented by attorney Katie N. DiPiero of law firm of Robbins, Schwartz, Nicholas, Lifton, and Taylor.

Prior to the commencement of the hearing, the intervenors’ counsel raised an objection to allowing appellant’s only witness to testify at the hearing based on the witness not having been timely disclosed by the appellant pursuant to PTAB Rule 1910.93(a).² Over the intervenors’ objection, the Administrative Law Judge (ALJ) allowed the testimony of the appellant’s witness and reserved ruling as to the admissibility of his testimony in the decision herein. Subsequent to the hearing,

² Counsel for the intervenors filed the request for disclosure of witnesses on September 6, 2023, less than 30 days prior to the hearing which was held on October 5, 2023. The hearing notice by the Property Tax Appeal Board was issued to all the parties on August 23, 2023.

the intervenors' counsel submitted a brief objecting to the admission of the testimony of the appellant's "unidentified expert" as "... highly prejudicial to the intervenors and the Lake County Board of Review because it is insufficient, failing to meet the disclosure requirements of 86 Ill. Admin. Code 1910.93(a)." Counsel for the appellant responded that the request for the disclosure of witnesses was made less than 30 days prior to the hearing and, thus, did not comply with PTAB Rules. (TR p. 8). Furthermore, counsel argued that the appellant's witness will only confirm sales information of the subject units which data is already contained within the Lake County records. (TR p. 9).

As provided for in Section 1910.93(a) of the PTAB Rules:

In any appeal in which a change in assessed value of \$100,000 or more is sought before the Property Tax Appeal Board, upon written request served on an opposing party after the Board has distributed all of the documentary evidence that has been submitted by all of the parties, including rebuttal evidence under Section 1910.66 of this Part, a party shall be entitled to the name, address and qualifications of any witness who may be reasonably expected to testify at hearing on behalf of an opposing party, together with a brief summary of the subject matter of each witness' anticipated testimony. **The information shall be provided within 30 days after service of a request.** (Emphasis added). 86 Ill. Admin. Code 1910.93(a).

The Board finds on the record that counsel for the intervenors filed the request for disclosure of witnesses on September 6, 2023, which is less than 30 days prior to the scheduled hearing that was held on October 5, 2023. Therefore, the time for the appellant to disclose any witnesses pursuant to Section 1910.93(a) of the PTAB Rules had not passed as of the date of the hearing. Having failed to file a request for disclosure of witnesses more than 30 days prior to the scheduled hearing, the Board finds that the intervenor's claim of high prejudice, insufficiency, and failing to meet PTAB's disclosure requirements is unsupported and without merit. Therefore, the Board finds that the testimony of the appellant's witness will be allowed and be given appropriate weight.

In support of the overvaluation argument, the appellant submitted a spreadsheet with salient information on each of the 66 units including percentage ownership in common elements, assessment data (both current and requested), sale dates and amounts for each unit sold from 2016 to 2019, and deductions of 2% for each unit sold to account for personal property sold with each unit. After deducting for personal property from the total consideration paid, the appellant requested assessment changes shown as percentage amounts. In further support of the requested reductions, the appellant submitted Property Information Sheets for each unit that sold from 2016 to 2019 that was extracted from the Lake County Township Assessor's Office website.

Appellant called its only witness, Mr. Jamal Wolfe, an Illinois licensed real estate broker and real estate agent with Village Realty who also serves currently as the director of property management. When asked by the ALJ, appellant's counsel clarified that Wolfe is not offered as an expert witness and is not licensed in any area of property valuation. The purpose of the testimony according to counsel was to discuss all the sales of the units within the subject building from 2016 through

2019. (TR p. 9).³ During Wolfe’s testimony, appellant’s counsel offered into evidence Multiple Listing Service (MLS) data sheets associated with each sale of the subject units from 2016 to 2019 calendar years. Counsel for intervenors raised an objection to the admissibility of said group exhibit based on not previously been submitted into evidence and was offered for the first time at the hearing. Based on the objection of counsel for the intervenors, the ALJ had the MLS listing sheets marked as “appellant’s group exhibit A” for identification which consisted of 58 MLS listing sheets.

As provided for in Section 1910.67(k)(1) of the PTAB Rules:

In no case shall any written or documentary evidence be accepted into the appeal record at the hearing unless ... such evidence has been submitted to the Property Tax Appeal Board **prior to the hearing** pursuant to this Part. (Emphasis added).

(86 Ill.Admin.Code §1910.67(k)(1)).

The Board finds that the “appellant’s group exhibit A” for identification was not timely submitted prior to the hearing and, thus, the Board sustains the intervenors’ objection. “Group exhibit A” will not be considered by the Board as substantive market value evidence, but will be preserved in the record for Administrative Review purposes. To the extent that said MLS listings are used to refresh the witness’ recollection regarding the sale dates and unit numbers at issue, the Board finds that they may be used for that limited purpose.

Based on the associated MLS listing data, Wolfe testified to every sale (including six units that sold more than once) within the subject building from 2017 through 2019. Wolfe further testified that the MLS listings matched the sales on the spreadsheet that is part of the appellant’s evidence with the exception that the spreadsheet does not contain multiple sales of any single unit. Wolfe confirmed that based on his experience in purchasing and selling condominium units, the buyers will consider the total cost of owning a condominium including the percent interest in the common elements. As such, Wolfe contended that the assessment amounts of individual units are based in part on the percentage of ownership in the common elements of each condominium unit. (TR p. 13-29).

Appellant’s counsel argued on the merits that the value of each unit on appeal should be based on percentage ownership in the common elements and that every sale from 2016 to 2019 within the subject building should be utilized rather than comparing each unit to like-kind units that sold considering their salient features and characteristics. (TR p. 33). Seitz argued that applying the median sale price of all the sold units would be the most equitable way to account for differences in the units’ sizes and features. (TR p. 34). Lastly, Wolfe testified that typically, with these types of condominiums, there is a 2% deduction applied to the sale price in order to account for the personal property such as appliances that are sold with each unit. (TR p. 38-39). Appellant’s counsel argued that the value of the entire subject building should be calculated by first applying a 2% personal property deduction to the sale price of each unit sold within the subject building from 2016 to 2019 calendar years and then applying the percent ownership interest of each unit to

³ References to the transcript of the hearing will be indicated by “TR” followed by the page number(s).

arrive at the “value of whole” building for each individual sale. Then, considering the multiple values of the whole building based on each sale, counsel arrived at the median market value for the entire building of \$18,537,762. (See appellant’s spreadsheet).

Based upon the evidence submitted, the testimony of the appellant’s witness, and arguments by counsel, the appellant requested a reduction to the total assessments of 58 units and “no change” to the assessments of 8 units whose sale prices were either higher than or approximately equal to their market values as reflected by their total assessments as calculated by counsel.

Under cross-examination by attorney DiPiero, on behalf of the intervenors, Wolfe acknowledged that he was not involved in preparing any of the appellant’s evidence, that he was not personally involved in any of the sales of the subject units, and that he does not have a background in property assessment. Additionally, Wolfe agreed that it is entirely reasonable for a buyer to pay more for a unit that is larger in size and/or has superior amenities, all else being equal. (TR p. 40-41).

Under further cross-examination by Mr. Jack Perry on behalf of the board of review, Wolfe acknowledged that if he was showing a unit for sale within the subject building to a potential buyer, the most recent sale of that unit would be more reflective of fair market value than an older sale of the same unit. Wolfe also acknowledged that there were nine units with sale prices that were higher than the market values as reflected by their respective assessments. (TR p. 42-47).

On re-direct examination, Wolfe confirmed there were at least five sales of units that sold in 2017 and whose sale prices were lower than the market value as reflected by their respective assessments. Wolfe then acknowledged that without going through each and every sale, some sales will be higher and some lower than their respective assessed values. (TR p. 49-50).

The board of review submitted a separate "Board of Review Notes on Appeal" for each of the 66 condominium units (parcel numbers 15-15-107-028 through 15-15-107-093) disclosing a range in the total assessments from \$62,131 to \$134,716 and a combined total assessment of \$6,413,412. The individual assessments are depicted in the two charts reprinted previously in this decision. The assessments reflect market values ranging from \$188,905 to \$409,596 per unit, and a combined market value of \$19,499,580, 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 a grid analysis with information on six comparable sales of units within the subject building that sold during the 2018 and 2019 calendar years. Five of these comparables were presented by the appellant. These comparables range in size from 1,174 to 1,325 square feet of living area. The land interest (or interest in common areas) for each unit is proportional to the sizes of living areas with the larger units having larger interest in common areas and vice-versa.⁴ The six comparables sold from September 2018 to June 2019 for prices ranging from \$250,000 to \$281,000 per unit or from \$194.70 to \$217.21 per square foot of living area, land included. The board of review submission also includes Illinois Real Estate Transfer Declaration (PTAX-203) forms for each of the six

⁴ The land interest for each unit (or interest in common elements) as reflected on the property record cards submitted by the board of review depict land values that correspond to their respective sizes of living area.

comparable sales, property record cards for each of the 66 units, a spreadsheet with salient information for each of the 66 units, and a memorandum setting forth the board of review's arguments supporting its request for an increase in the assessments of three units, decrease in the assessments of three units, and sustaining the assessments of the remaining units.

At hearing, Perry contended that the best evidence of the market value of the subject units are sales of six units in the subject condominium complex that sold more proximate in time to the assessment date at issue. Perry contended that "... 42 of the 66 parcels have assessed market values within or below the sales price range established by the Lake County Board of Review sales." (TR p. 53-54). Furthermore, Perry noted that the remaining 24 parcels that have assessed market values above the sale price range are larger in living area and that, all else being equal, it is logical that these 24 units would have larger total assessments. (TR p. 54).

Based on the evidence submitted and arguments presented, the board of review requested an increase to the total assessments with regard to three units,⁵ a reduction to the total assessments of another three units,⁶ and a confirmation of the total assessments with regard to the remaining units.

Under cross-examination, Perry acknowledged that the units are assessed based on percentage ownership in the common elements of the condominium complex. Further, Perry affirmed that the subject units have differing percentage of ownership as noted on the spreadsheet submitted by the appellant's counsel. However, Perry contended that this appeal is made on the basis of "comparable sales" which is marked on the appeal form meaning that it's a market value appeal. As such, short of an appraisal valuing the entire building, the best evidence is most recent sales of most similar parcels and determining 66 different values for this condominium complex. (TR p. 56-59). Upon request for clarification by the ALJ to the counsel for the appellant, attorney Seitz clarified that the appellant is asking the PTAB to take each sale from 2016 to 2019, calculate the value of the entire building (based on percentage of ownership in the common elements) and then calculate the median value (to be compared with each unit's assessment). (TR p. 63).

On behalf of the intervenors, attorney DiPiero argued that the subject units vary in market value due to their differences in size of living areas which range from 933 to 2,038 square feet, as well as due to differing characteristics. In support of the intervenors' position, counsel presented five comparable sales of condominium units, none of which are located in the subject building. The comparables range in size from 1,389 to 1,976 square feet of living area and sold from December 2017 to September 2018 for prices ranging from \$187,000 to \$425,000 per unit or from \$114.44 to \$219.60 per square foot of living area. The intervenors' main argument is that the appellant did not meet the initial burden of going forward in this appeal as the appellant's evidence did not submit documentation of recent sales of comparable properties to the subject property and that there is no analysis from the taxpayer indicating that the sales presented by the appellant's counsel are arms-length transactions. (TR p. 66-68). DiPiero further argued that the appellant's counsel is requesting the Property Tax Appeal Board to apply a "median" of all sales within the subject condominium building, but the use of older sales in 2016 and 2017 which include lower sale prices skews this calculation. Finally, DiPiero argued that the proper way to calculate the fair market value of the entire building by applying the formula of percentage of ownership in the common

⁵ PINs with requested increase are 15-15-107-054, 15-15-107-071, and 15-15-107-077.

⁶ PINs with requested reduction are 15-15-107-032, 15-15-107-040, and 15-15-107-079.

elements of the units sold is to utilize the most recent 2018 and 2019 sales as the board of review has argued. (TR p. 77). Based on the evidence submitted and the arguments of counsel, the intervenors requested that the calculations as computed by the board of review be confirmed. (TR p. 78).

Conclusion of Law

The appellant contends the market values of 58 out of 66 subject units are not accurately reflected in their assessed valuations. 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 met this burden of proof with regard to certain units in this decision and a reduction to said units' assessments is warranted; whereas, the evidence of record also supports a finding of increase to a single unit, and no change to the assessments of the remaining units.

The record contains both documentary and testamentary evidence offered by the appellant of 59 units within the subject building that sold from 2016 to 2019 calendar years (including units that sold more than once). The record also contains evidence submitted by the board of review consisting of 6 units within the subject building that sold in 2018 and 2019 calendar years. Additionally, the record contains five comparable sales presented by the intervenors that are not located within the subject building. The Board gives less weight to the estimated market value as indicated in the appellant's sales analysis as a vast majority of the sales in the data provided by the appellant occurred in 2016 and 2017 which are dated and less likely to reflect the subject's market value as of the January 1, 2019 assessment date at issue. Furthermore, the appellant inaccurately utilized a "median" market value of the entire condominium building after calculating multiple building values based on each sale during the 2016 to 2019 calendar years, rather than utilizing the calculation required by the statute. (See, 765 ILCS 605/10(a) discussed below). Lastly, the appellant applied a 2% personal property adjustment factor which was deducted from the total consideration of the sales prices in the analysis where there is insufficient evidence to support the adjustment for personal property in this record other than a general statement by the appellant's witness regarding what is customary. Furthermore, there is no personal property specified in any closing documents in the record. The Board also gives little weight to the intervenors' comparables since the condominium units are located outside of the subject building when there are other recent sales located within the subject building which are more similar to the subject units in age and location.

On this record, the Board finds the best evidence of market value to be the six comparable sales presented by the board of review (which includes five comparables presented by the appellant). These six sales best represent recent market value data as these sales occurred most proximate to the assessment date at issue and consist of condominium units identical in age that are located within the subject building. These six best comparables sold from September 2018 to June 2019 for prices ranging from \$250,000 to \$281,000 per unit or from \$194.70 to \$217.21 per square foot of living area, land included. The six best comparable sales in the record have a combined sale amount of \$1,599,000 and a combined interest in the common elements of 8.18%.

The Condominium Property Act states as follows with regard to property taxes and assessments:

Real property taxes ...which are authorized by law to be assessed against and levied upon real property shall be assessed against and levied upon **each unit and the owner's corresponding percentage of ownership in the common elements** as a tract, and not upon the property as a whole. (Emphasis added). 765 ILCS 605/10(a).

The Illinois Appellate Court has held that each condominium unit's assessment has to be based on the owner's interest in his condominium unit and his percentage of ownership in the common elements. Cambridge-on-the-Lake Homeowners Ass'n v. Hynes, 116 Ill. App. 3d 63, 72 Ill. Dec. 105, 452 N.E.2d 37 (Ill. App. Ct. 1st Dist. 1983).

In light of the aforementioned statutory and case law provisions, the Board must determine the correct assessment for each of the 66 units. In doing so, the Board will first calculate the total market value for the subject building based on the combined sales of the six best comparables in the record (\$1,599,000) and their combined percent ownership interest in the common elements (8.18%).⁷ Although the best comparables may differ from these units in dwelling size, this difference is considered and adjusted in the calculation given that the larger units have greater percentage of ownership interest in the common elements and, conversely, the smaller units have lesser percentage ownership interest. The Board finds the six best comparables in the record have an aggregate sale price of \$1,599,000 and a combined interest in the common elements of 8.18%, thus reflecting a total market value of \$19,547,677 for the entire condominium property. Based on this calculation, the Board finds that the market value for the subject building is \$19,547,677. (\$1,599,000 divided by .0818 equals \$19,547,677). This supports the board of review assessment of the subject building which reflects a market value of \$19,499,580, 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 and further supports giving less weight to the analysis prepared by appellant's counsel. Next, the Board will determine the correct assessment for each of the 66 units on appeal based on percent ownership in the common elements and using the best comparable sales in the record.⁸

Eighteen units that each have a 1.35% ownership interest in the common elements:

Units #205, #207, #208, #305, #307, #308, #405, #407, #408, #505, #507, #508, #605, #607, #608, #705, #707, and #708 each have 1.35% ownership interest in the common elements. The eighteen units with 1.35% ownership interest in the common elements have total assessments that range from \$83,467 to \$89,228 and reflect market values ranging from \$253,776 to \$271,292 per unit 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. Applying the percentage of ownership interest of 1.35% to the total market value of the building of \$19,547,677 results in a market value for these units of \$263,894 and an assessment of \$86,795. Given the foregoing finding, the board

⁷ The percentage of ownership in the common elements for these six units was drawn from the spreadsheet chart submitted by the appellant and not contested by the board of review or the intervenors.

⁸ For example, taking the first parcel with PIN 15-15-107-028, the calculation is as follows: \$19,547,677 (total building value) X .0103 (1.03% ownership interest in common area for this PIN) = \$201,341 (market value for this unit) X .3289 (2019 three-year average level assessment for Lake County of 32.89%) = \$66,221 (total assessed value for this unit).

of review's increase request for units #405 (15-15-107-054) and #608 (15-15-107-079) are not warranted given their current assessments of \$88,858 and \$88,790, respectively. Based on the evidence, the Board finds that the units with 1.35% ownership interest with higher assessments than \$86,795, a reduction is warranted to reflect the said assessment amount. The assessments of the remaining units with the same percentage interest in common elements and lower assessments shall remain unchanged.

Twelve units that each have a 1.43% ownership interest in the common elements:

Units #202, #211, #302, #311, #402, #411, #502, #511, #602, #611, #702, and #711 each have 1.43% ownership interest in the common elements. The twelve units with 1.43% ownership interest in the common elements have total assessments that range from \$88,863 to \$92,118 and reflect market values ranging from \$270,182 to \$280,079 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. Applying the percentage of ownership interest of 1.43% to the total market value of the building of \$19,547,677 results in a market value for these units of \$279,532 and an assessment of \$91,938. Based on the evidence, the Board finds that the units with 1.43% ownership interest with higher assessments than \$91,938, a reduction is warranted to reflect the said assessment amount. The assessments of the remaining units with the same percentage interest in common elements and lower assessments shall remain unchanged with the exception of unit #511 (15-15-107-071) which shall be **increased** to \$91,938 from its current assessment of \$88,865 due to the board of review's request for an increase to the assessment of this unit and based on the evidence presented of recent sale data that supports said increase.

Six units that each have a 1.27% ownership interest in the common elements:

Units #206, #306, #406, #506, #606, and #706 each have 1.27% ownership interest in the common elements. The six units with 1.27% ownership interest in the common elements have total assessments that range from \$79,945 to \$82,805 and reflect market values ranging from \$243,068 to \$251,763 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. Applying the percentage of ownership interest of 1.27% to the total market value of the building of \$19,547,677 results in a market value for these units of \$248,255 and an assessment of \$81,651. Based on the evidence, the Board finds that the units with 1.27% ownership interest and with higher assessments than \$81,651, a reduction is warranted to reflect the said assessment amount. The assessments of the remaining units with the same percentage interest in common elements and with lower assessments shall remain unchanged.

Six units that each have a 1.55% ownership interest in the common elements:

Units #210, #310, #410, #510, #610, and #710 each have 1.55% ownership interest in the common elements. The six units with 1.55% ownership interest in the common elements have total assessments that range from \$99,743 to \$102,173 and reflect market values ranging from \$303,262 to \$310,651 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. Applying the percentage of ownership interest of 1.55% to the total market value of the building of \$19,547,677 results in a market value for these units of \$302,989 and an assessment of \$99,653. Based on the evidence,

the Board finds that the units with 1.55% ownership interest with higher assessments than \$99,653, a reduction is warranted to reflect the said assessment amount. The assessments of the remaining units with the same percentage interest in common elements and lower assessments shall remain unchanged.

Six units that each have a 1.80% ownership interest in the common elements:

Units #204, #304, #404, #504, #604, and #704 each have 1.80% ownership interest in the common elements. The six units with 1.80% ownership interest in the common elements have total assessments that range from \$113,527 to \$114,356 and reflect market values ranging from \$345,172 to \$347,692 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. Applying the percentage of ownership interest of 1.80% to the total market value of the building of \$19,547,677 results in a market value for these units of \$351,858 and an assessment of \$115,726. Based on the evidence, the Board finds that the units with 1.80% ownership interest with higher assessments than \$115,726, a reduction is warranted to reflect the said assessment amount. The assessments of the remaining units with the same percentage interest in common elements and lower assessments shall remain unchanged.

Six units that each have a 1.93% ownership interest in the common elements:

Units #203, #303, #403, #503, #603, and #703 each have 1.93% ownership interest in the common elements. The six units with 1.93% ownership interest in the common elements have total assessments that range from \$121,387 to \$122,240 and reflect market values ranging from \$369,070 to \$371,663 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. Applying the percentage of ownership interest of 1.93% to the total market value of the building of \$19,547,677 results in a market value for these units of \$377,270 and an assessment of \$124,084. Based on the evidence, the Board finds that the units with 1.93% ownership interest with higher assessments than \$124,084, a reduction is warranted to reflect the said assessment amount. The assessments of the remaining units with the same percentage interest in common elements and lower assessments shall remain unchanged.

Six units that each have a 2.18% ownership interest in the common elements:

Units #209, #309, #409, #509, #609, and #709 each have 2.18% ownership interest in the common elements. The six units with 2.18% ownership interest in the common elements have total assessments that range from \$134,194 to \$134,716 and reflect market values ranging from \$408,009 to \$409,596 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. Applying the percentage of ownership interest of 2.18% to the total market value of the building of \$19,547,677 results in a market value for these units of \$426,139 and an assessment of \$140,157. Based on the evidence, the Board finds that the units with 2.18% ownership interest with higher assessments than \$140,157, a reduction is warranted to reflect the said assessment amount. The assessments of the remaining units with the same percentage interest in common elements and lower assessments shall remain unchanged.

Five units that each have a 1.03% ownership interest in the common elements:

Units #201, #301, #401, #501, and #601 each have 1.03% ownership interest in the common elements. The five units with 1.03% ownership interest in the common elements have total assessments that range from \$66,246 to \$69,086 and reflect market values ranging from \$201,417 to \$210,052 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. Applying the percentage of ownership interest of 1.03% to the total market value of the building of \$19,547,677 results in a market value for these units of \$201,341 and an assessment of \$66,221. Based on the evidence, the Board finds that the units with 1.03% ownership interest with higher assessments than \$66,221, a reduction is warranted to reflect the said assessment amount. The assessments of the remaining units with the same percentage interest in common elements and lower assessments shall remain unchanged.

One unit with 1.01% ownership interest in the common elements:

Unit #701 has 1.01% ownership interest in the common elements. This unit's total assessment of \$62,131 reflects a market value of \$188,905 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. Applying unit #701 percentage of ownership interest of 1.01% to the total market value of the building results in a market value for this unit of \$197,432 and an assessment of \$64,935, which is greater than this unit's current assessment of \$62,131. Based on the evidence, the Board finds that a reduction in this unit's assessment is not warranted.

In conclusion, based on the documentary and testamentary evidence presented, and based further on the statutory authority mandating the valuation of individual condominium units be calculated according to their percentage interest in the common elements which takes into consideration the size of each unit, the Board finds that the parcels listed in bold herein are overvalued and, thus, a reduction to their assessment is warranted. Conversely, the Board finds that the parcel with PIN #15-15-107-071 should be increased as noted, and the remaining parcels' assessments remain unchanged.

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:

January 16, 2024



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

1199 E Port Clinton Road Condo, by attorney:
William J. Seitz
Law Offices of William J. Seitz, LLC
500 Skokie Boulevard
Suite 530
Northbrook, IL 60062

COUNTY

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

INTERVENOR

Lincolnshire-Prairie View S.D. #103, by attorney:
Scott L. Ginsburg
Robbins Schwartz Nicholas Lifton Taylor
55 West Monroe Street
Suite 800
Chicago, IL 60603

Stevenson H.S.D. #125, by attorney:
Scott L. Ginsburg
Robbins Schwartz Nicholas Lifton Taylor
55 West Monroe Street
Suite 800
Chicago, IL 60603