



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

APPELLANT: Jack Kellman
DOCKET NO.: 19-07180.001-R-1
PARCEL NO.: 16-18-103-007

The parties of record before the Property Tax Appeal Board are Jack Kellman, the appellant, by attorney Herbert B. Rosenberg, of Schoenberg Finkel Beederman Bell Glazer LLC 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 **A Reduction** 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: \$174,874
IMPR.: \$241,751
TOTAL: \$416,625

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 is improved with a two-story dwelling of stucco and masonry exterior construction with 5,658 square feet of living area. The dwelling was built in 1999. Features of the home include a basement with finished area, central air conditioning, four fireplaces, an inground swimming pool, and a 977 square foot four-car garage. The property has a 60,113 square foot site and is located in Lake Forest, West Deerfield 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 \$1,250,000 as of January 1, 2019. The appraisal was prepared by Dashawn A Weaver-Drew, a State of Illinois Certified Residential Real Estate Appraiser. The appraiser described the subject property as being in above average condition overall. However, the property has some wear on the exterior walls and roof, as well as dated areas with original finishes and fixtures from its

1999 construction. The appraiser developed the sales comparison approach to value using four comparable sales improved with Traditional style dwellings that range in size from 4,798 to 6,798 square feet of living area. The homes range in age from 12 to 29 years old. Each comparable has a basement with finished area, central air conditioning, three to six fireplaces and a three-car or a four-car garage. Comparable #1 has an inground swimming pool. The comparables have sites ranging in size from 37,026 to 67,082 square feet of land area and are located within .95 miles from the subject property. The sales occurred from May 2017 to August 2018 for prices ranging from \$1,175,000 to \$1,295,000 or from \$183.88 to \$269.90 per square foot of living area, including land. The appraiser adjusted the comparables for differences from the subject in location, site, condition, room count, gross living area, basement finish, garages, and other amenities to arrive at adjusted prices ranging from \$1,238,000 to \$1,295,250 and arrived at an estimated value of \$1,250,000 or \$220.93 per square foot of living area, including land. The appellant requested the assessment be reduced to \$416,625 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 \$478,286. The subject's assessment reflects a market value of \$1,454,199 or \$257.02 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 improved with two-story dwellings of brick, wood siding, or wood siding and brick exterior construction ranging in size from 4,150 to 6,998 square feet of living area. The dwellings were built from 1988 to 2001. Each comparable is reported to have a basement with one having a recreation room. Each comparable has central air conditioning, two or three fireplaces, and a garage ranging in size from 792 to 1,256 square feet of building area. Comparable #2 has a greenhouse and comparable #3 has an inground swimming pool. These properties have sites with either 60,110 or 64,470 square feet of land area and are located within .20 miles from the subject property. The sales occurred from November 2017 to January 2019 for prices ranging from \$1,343,500 to \$2,000,000 or from \$228.64 to \$323.73 per square foot of living area, including land. The board of review requested no change be made to the assessment.

The appellant's attorney submitted a rebuttal brief along with supporting documentation critiquing the comparables presented by the board of review. Board of review comparable #1 was described as a two-story with 6,320 square feet, 4 bedrooms, and no other improvements. However, the listing described the property as having "a third floor bonus with bath", 7,988 square feet, 6 bedrooms, an inground outdoor swimming pool, and indoor multi-sport court. These discrepancies call into question the reliability of the Board's submission. Board of review reported comparable sale #3 has a partial unfinished basement, however, the listing information noted the property has a full finished basement that provides a craft area, work out space, compact kitchen, full bathroom, bedroom 6 and a variety of clever storage ideas. The listing also states the property has "4+2 bedrooms that can be used flexibly" whereas the board of review describes this property as having only 4 bedrooms. These discrepancies call into question the reliability of the Board's submission. In conclusion, the appellant argued the sales presented by the board of review have not been adjusted for differences like the sales utilized in the

appellant's appraisal. Therefore, the appellant's appraisal should be accepted as the best evidence of the subject's market value.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant. The appellant's appraiser utilized the sales comparison approach to value to arrive at an estimated market value of \$1,250,000 as of January 1, 2019. The comparable sales used by the appraiser have varying degrees of similarity to the subject in site size, age, dwelling size, and features. The appellant's appraiser applied adjustments to the comparables for differences from the subject property. The Board gives less weight to the unadjusted comparable sales submitted by the board of review. Furthermore, the appellant noted the board of review did not report additional features for comparables #1 and #3 which further detracts from the weight of the evidence. Based on this evidence the Board finds the appellant proved by a preponderance of the evidence that a reduction in the subject's assessment commensurate with the appellant's request is 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

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: July 19, 2022

Clerk of the Property Tax Appeal Board

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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