



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

APPELLANT: Serge Biberman
DOCKET NO.: 19-07877.001-R-1
PARCEL NO.: 16-36-205-010

The parties of record before the Property Tax Appeal Board are Serge Biberman, the appellant, by attorney George J. Relias, of Relias Law Group, 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 ***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: \$102,956
IMPR.: \$218,050
TOTAL: \$321,006

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 dwelling of brick exterior construction with 3,904 square feet of living area. The dwelling was constructed in 2002 and is approximately 17 years old. Features of the home include a full basement with a 1,795-square foot recreation room, central air conditioning, two fireplaces, and an attached garage containing 469 square feet of building area. The property has a 13,200 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 report estimating the subject property had a market value of \$850,000 as of January 1, 2019. The appraisal was prepared by Petr Pekar, a Certified Residential Real Estate Appraiser, and the property rights appraised were fee simple. The intended use of this appraisal was to develop a market value opinion of the subject property for ad valorem tax

assessment. In estimating the market value of the subject property, the appellant's appraiser developed the cost approach and the sales comparison approach to value.

Using the cost approach to value the appraiser estimated the subject property had an estimated market value of \$869,000.

Under the sales comparison approach, which the appraiser considered to be most reflective of the subject's market value as of the effective date of the appraisal, the appraiser utilized four comparable sales located from .87 of a mile to 2.59 miles from the subject property. The properties are described as "traditional" single family dwellings of brick and frame or brick and stone construction ranging in size from 3,752 to 5,923 square feet of living area and ranging in age from 15 to 27 years old. The comparables have sites ranging in size from 9,191 to 27,284 square feet of land area. Each comparable has a full basement that is fully finished, central air conditioning, one to three fireplaces, and a 2-car or a 3-car garage. The sales occurred from March to November 2018 for prices ranging from \$750,000 to \$1,062,500 or from \$179.39 to \$227.86 per square foot of living area, including land. The appraiser made adjustments to the comparables for differences from the subject including site size, dwelling size, room count, age, size of basement area, garage size, and exterior features to arrive at adjusted prices ranging from \$778,500 to \$910,500 and arrived at an estimated value for the subject property of \$850,000 as of January 1, 2019. The adjustments were made based on ". . . historical data, prior appraisal files in the area, and paired sales analysis." Based on this evidence, the appellant requested the subject's total assessment be reduced to \$283,305 which reflects the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$361,927. The subject's assessment reflects an estimated market value of \$1,100,417 or \$281.87 per square foot of living area 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 with information on four comparable sales located in the same assessment neighborhood code as the subject property. The comparables are improved with 2-story or 3-story dwellings of wood siding and stone, wood siding, or brick and wood siding construction that were constructed from 1908 to 2004. Comparables #2, #3, and #4 were constructed in 1927, 1908, and 1951, and have effective ages of 1946, 1982, and 1977, respectively. The comparables range in size from 3,655 to 4,288 square feet of living area. Three comparables have full basements with recreation rooms and one comparable was built on a crawl-space foundation. The dwellings each have central air conditioning, two or three fireplaces, and a garage ranging in size from 360 to 1,104 square feet of building area. The properties have sites ranging in size from 12,140 to 15,000 square feet of land area. The sales occurred from May 2018 to August 2019 for prices ranging from \$950,000 to \$1,300,000 or from \$247.67 to \$355.68 per square foot of living area, including land. Based on this evidence and argument, the board of review requested that no change be made to the subject's 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The appellant submitted an appraisal report and the board of review submitted four comparable sales in support of their respective positions before the Property Tax Appeal Board. The Board gave little weight to the appraiser's value opinion as the appraiser utilized three sales that are located in excess of one mile from the subject property when comparables similar the subject and more proximate in distance to the subject were available. Moreover, appraiser's comparables #4 has a dwelling size approximately 41% larger than the subject dwelling and site size more than twice that of the subject's site. The Board will, however, consider the raw sales in the appraiser's report.

The Board finds the record contains a total of eight comparable sales. The Board gave less weight to appraiser's sales #1, #2, and #4 based on their locations being less proximate in distance than the remaining comparables in the record. Additionally, appraiser's sale #4 was significantly larger in dwelling and site size relative to the subject. The Board also gave less weight to board of review comparables #2 through #4 based on their older built dates and/or older effective dates relative to the subject dwelling, as well as comparable #3 being dissimilar in design and comparable #4 being dissimilar in foundation relative to the subject dwelling.

On this record, the Board finds the best evidence of market value to be appraiser's comparable sale #3, along with board of review comparable sale #1 which are most similar to the subject in location, lot size, dwelling size, finished basement area, and most features. These two best comparables in the record sold in March and May 2018 for prices of \$880,000 and \$1,062,000 or for \$227.86 and \$247.67 per square foot of living area, land included. However, the board of review comparable #1 has a larger dwelling size and larger garage when compared to the subject, suggesting that downward adjustment is appropriate to this comparable in order to make it more equivalent to the subject. The subject's assessment reflects a market value of \$1,100,417 or \$281.87 per square foot of living area, land included which is higher than the two best comparable sales in this record, both in terms of overall value and on a per square foot basis. After considering appropriate adjustments to best comparables in the record for differences from the subject, the subject property appears to be overvalued and, therefore, a reduction in the subject's assessment is 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:

December 20, 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

Serge Biberman, by attorney:
George J. Relias
Relias Law Group, Ltd.
300 South Wacker Drive
Suite 1710
Chicago, IL 60606

COUNTY

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