



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

APPELLANT: Ator David  
DOCKET NO.: 19-08665.001-R-1  
PARCEL NO.: 14-19-303-024

The parties of record before the Property Tax Appeal Board are Ator David, the appellant, by attorney Robert Rosenfeld, of Robert H. Rosenfeld and Associates, 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 **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:** \$59,681  
**IMPR.:** \$203,468  
**TOTAL:** \$263,149

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 stone and other exterior construction<sup>1</sup> with 4,780 square feet of living area.<sup>2</sup> The dwelling was constructed in 2001 and is approximately 18 years old. Features of the home include a walkout basement, central air

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<sup>1</sup> Although the subject's property record card describes the subject home as having wood siding exterior construction, the parties agree the subject is of part stone exterior construction. The appellant's appraisal describes the subject home as having "Stone/Stucco" exterior construction and a Multiple Listing Service (MLS) listing sheet presented by the board of review describes the subject home as having "Stone, Other" exterior construction, which was not refuted by the appellant in rebuttal.

<sup>2</sup> The parties differ regarding the subject's dwelling size. The appellant's appraisal contains a sketch with calculations by the appraiser who inspected the subject home. The subject's property record card also contains a sketch with calculations, which differ from the appraisal with respect to the second floor of the subject home. The Board finds the best evidence of the subject's dwelling size is found in the appellant's appraisal.

conditioning, two fireplaces,<sup>3</sup> and a 1,023 square foot garage. The property has an approximately 2.23 acre site and is located in North Barrington, 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 \$610,000 as of March 30, 2019. The appraisal was prepared by Arkadiy Agres, a certified residential real estate appraiser, who conducted an interior inspection of the subject property. The purpose of the appraisal is to estimate the market value of the subject property as of March 30, 2019 for a refinancing transaction. The appraiser relied on information obtained from Midwest Real Estate Data (MRED), the township assessor, and the appellant. The appraiser disclosed that the subject sold in May 2017 for \$765,000, which the appraiser concludes was a purchase price over market value based on the comparables analyzed in the appraisal.

Under the sales comparison approach to value, the appraiser analyzed the sales of five comparables located from approximately 0.06 of a mile to 1.75 miles from the subject property. Three properties are located in North Barrington and two properties are located in Deer Park, which the appraiser explains is similar to North Barrington. The parcels range in size from 37,537 square feet (or 0.86 of an acre) to 4.28 acres of land area and are improved with two-story homes ranging in size from 3,594 to 5,114 square feet of living area. At least three of the homes have brick or wood siding exterior construction.<sup>4</sup> The homes were built from 1990 to 2009, with the oldest home having an effective age of 1995, and range in age from 10 to 29 years old. Each home has a basement, four of which each have a recreation room and two of which are walkout basements. The homes each have central air conditioning and a 3-car or a 4-car garage. Three comparables have one or two fireplaces. Comparable #4 has an inground swimming pool. The appraiser reported four comparables sold from October 2017 to February 2019 for prices ranging from \$566,000 to \$700,000 or from \$128.58 to \$157.48 per square foot of living area, including land.<sup>5</sup> Comparable #5 is listed for \$774,900 or \$198.44 per square foot of living area, including land.

The appraiser adjusted each of the comparables for differences in room count, dwelling size, basement finish, and other improvements resulting in adjusted sales prices ranging from \$600,350 to \$778,055. Based on this analysis, the appraiser estimated an opinion of market value for the subject of \$610,000 as of March 30, 2019.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$203,333 which would reflect the appraised value conclusion.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$263,149. The subject's assessment reflects a market value of

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<sup>3</sup> Although the subject's property record card describes the subject dwelling as having one fireplace, both the appellant's appraisal and the MLS listing sheet presented by the board of review describe the subject as having two fireplaces.

<sup>4</sup> Appraisal comparables #2, #3, and #4 are common comparables with the board of review which reported additional details for these properties.

<sup>5</sup> The board of review reported that appraisal comparable #3, which is a common comparable with the board of review, sold again in September 2018 for \$900,000 or \$198.63 per square foot of living area, including land, which was not refuted by the appellant in rebuttal.

\$800,088 or \$167.38 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 comparable sales where comparables #1, #3, and #4 are the same properties as the appraisal comparables #4, #3, and #2, respectively. The comparables are located from approximately 0.21 of a mile to 1.76 miles from the subject property and two comparables are located in the same assessment neighborhood code as the subject property. The parcels range in size from 0.86 of an acre to 4.28 acres and are improved with two-story homes of brick or wood siding exterior construction ranging in size from 3,594 to 5,808 square feet of living area. The dwellings were built from 1990 to 2009 with the oldest home having an effective age of 1995. Each home has a basement with a recreation room,<sup>6</sup> two of which are walkout basements, central air conditioning, one or two fireplaces, and a garage ranging in size from 886 to 1,321 square feet of building area. Comparable #1 has an inground swimming pool. The comparables sold from July to November 2018 for prices ranging from \$566,000 to \$1,325,000 or from \$157.48 to \$228.13 per square foot of living area, including land.

The board of review also submitted a brief asserting that the appellant's appraisal was prepared for a refinancing transaction and that the subject's 2017 sale should be considered as evidence of the subject's market value. The board of review submitted an MLS listing sheet for the subject disclosing the subject sold in May 2017 for \$765,000 after being exposed on the market for 889 days.

Based on this evidence and argument, the board of review requested confirmation of 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

As an initial matter, the board of review contended in its brief that the May 2017 sale of the subject property is evidence of market value as of the January 1, 2019 assessment date. The Board finds that the May 2017 sale of the subject property is somewhat remote from the January 1, 2019 assessment date to be dispositive of market value as of that date. However, the purchase prices tends to undermine the value conclusion presented in the appellant's appraisal and to support the subject's assessment.

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<sup>6</sup> The parties differ regarding the basement finish of the common comparables. The appraiser disclosed that appraisal comparables #2, #3, and #4 each have a recreation room whereas the board of review reported that none of these properties have a recreation room. The Board finds the best evidence of the basement finish of these comparables is found in the appraisal which includes information obtained from MRED in addition to the township assessor's records.

The appellant submitted an appraisal and the board of review submitted four comparable sales to support their respective positions before the Board. The Board gives less weight to the value conclusion contained in the appraisal. The appraiser included an October 2017 sale of appraisal comparable #4, which also sold again in November 2018 as reported by the board of review, but the appraiser did not report the November 2018 sale. The appraiser relied instead on the October 2017 sale which is less proximate in time to the January 1, 2019 assessment date. Moreover, the appraiser included appraisal comparable #5, which is a listing not a sale, and is not indicative of market value as of the January 1, 2019 assessment date. The appraiser made no adjustments for lot size, even though the comparables vary widely from the subject in lot size, or for age, despite reported age differences from the subject of up to 11 years. In light of these considerations, the Board finds the appraiser's value conclusion is not well-supported by the appraisal comparables and the Board will examine the raw sales data presented in the appraisal and by the board of review.

The record contains a total of seven comparables, including two sales for one common comparable and one listing, for the Board's consideration. The Board gives less weight to appraisal comparable #4, which sold less proximate in time to the January 1, 2019 assessment date, and to appraisal comparable #5, which is a listing not a sale, and it not indicative of market value as of the January 1, 2019 assessment date. The Board gives less weight to the board of review's comparable #2 and appraisal comparable #2/board of review's comparable #4 due to significant differences from the subject in dwelling size.

The Board finds the best evidence of market value to be appraisal comparable #1, appraisal comparable #3/board of review's comparable #3, and the board of review's comparable #1, which are relatively similar to the subject in dwelling size, age, and some features. However, these comparables vary in location and lot size from the subject. Furthermore, one comparable has an inground swimming pool which is not a feature of the subject and all of these comparables have finished basement area unlike the subject. These most similar comparables sold from September 2018 to February 2019 for prices ranging from \$657,550 to \$900,000 or from \$128.58 to \$198.63 per square foot of living area, including land. The subject's assessment reflects a market value of \$800,088 or \$167.38 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. 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:

May 17, 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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