



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

APPELLANT: Waldemar & Danuta Slezak
DOCKET NO.: 20-01148.001-R-1
PARCEL NO.: 15-14-401-017

The parties of record before the Property Tax Appeal Board are Waldemar & Danuta Slezak, the appellants, 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 **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: \$66,677
IMPR.: \$197,417
TOTAL: \$264,094

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 2020 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 dryvit stucco exterior construction with 4,516 square feet of living area.¹ The dwelling was constructed in 1961 and is approximately 59 years old. The home has an effective age of 2000 or approximately 21 years old. Features of the home include a crawl space foundation, central air conditioning, a fireplace, and a 480 square foot garage. The property has an approximately 21,309 square foot site and is located in Lincolnshire, Vernon Township, Lake County.

¹ The parties differ regarding the subject's dwelling size. The appellants' appraisal contains a sketch with measurements depicting 4,516 square feet of living area whereas the subject's property record card presented by the board of review contains a sketch with measurements rounded to the nearest whole number depicting 4,721 square feet of living area. The Board finds the best evidence of the subject's dwelling size is found in the appraisal which contains more precise measurements than the subject's property record card.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$710,000 as of January 1, 2019. The appraisal was prepared by Garry Nusinow, a certified general real estate appraiser, for the appellants and the appellants' counsel to provide a basis for an appeal of the assessment of *ad valorem* taxes.

Under the sales comparison approach to value, Nusinow analyzed the sales of five comparables located from 0.43 of a mile to 1.16 miles from the subject property and depicted in relation the subject on a map presented in the appraisal. The parcels range in size from 20,038 square feet to 2.8 acres of land area and are improved with homes of brick and masonry, brick and frame, brick, frame, and masonry, or frame and stucco exterior construction ranging in size from 3,402 to 4,374 square feet of living area. The homes are from 24 to 63 years old. The appraiser reported that four homes each have a basement with finished area and one home has a crawl space foundation. Each home has central air conditioning, one or two fireplaces, and a 2-car or 3-car garage. Comparable #2 also has an additional detached 6-car garage. The comparables sold from May 2017 to July 2019 for prices ranging from \$685,000 to \$775,000 or from \$175.17 to \$204.99 per square foot of living area, including land.

The appraiser stated there were a limited number of sales near the subject from January 2017 to March 2019 so the appraiser included properties with basements. The appraiser adjusted each of the comparables for market conditions and for differences in location, lot size, view, quality of construction, condition, room count, dwelling size, basement finish, and other amenities resulting in adjusted sales prices ranging from \$697,500 to \$732,000. Based on this analysis, the appraiser estimated an opinion of market value for the subject of \$710,000 as of January 1, 2019.

The appellants submitted a brief summarizing the appraisal report, including reiterating the appraiser's description of the subject property, the appraiser's conclusion that sale prices in the neighborhood are declining, and the appraiser's adjustments.

As part of the appeal, the appellants also disclosed that the subject property is an owner-occupied residence. The Board further takes judicial notice that this property was the subject matter of an appeal before the Board the prior year under Docket Number 19-006491.001-R-1. In that appeal the Board issued a decision lowering the assessment of the subject property to \$263,120 based on the evidence submitted by the parties.

Based on this evidence and argument, the appellants requested a reduction in the subject's assessment 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 \$276,961. The subject's assessment reflects a market value of \$831,965 or \$184.23 per square foot of living area, land included, when using the 2020 three year average median level of assessment for Lake County of 33.29% as determined by the Illinois Department of Revenue.

Also, as part of the "Board of Review Notes on Appeal," the board of review reported that 2019 was the first year of the general assessment cycle for the subject property and that for tax year 2020 an equalization factor of 1.0037 was applied to non-farm properties in Vernon Township.

The board of review submitted a brief contending that the appellant's appraisal is deficient due to only two of the five comparables having sold within a year of the January 1, 2020 assessment date. The board of review presented Multiple Listing Service (MLS) listing sheets for the subject which describe the subject as "rebuilt" in 2005, and consequently, the board of review stated that its comparables are closer to the subject's effective age. The MLS listing sheets further disclose that the subject property was rented in 2017 for \$4,400 per month and in 2020 for \$4,700 per month.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales. The comparables are located from 0.11 to 0.61 of a mile from the subject property and within the same assessment neighborhood code as the subject property. The parcels range in size from 20,040 to 22,220 square feet of land area and are improved with two-story homes of brick, stone, or wood siding exterior construction ranging in size from 4,359 to 5,169 square feet of living area. The homes were built from 2002 to 2008. Each home has a basement with a recreation room, central air conditioning, two or three fireplaces, and a garage ranging in size from 736 to 988 square feet of building area. The comparables sold from June 2019 to September 2020 for prices ranging from \$820,000 to \$1,182,000 or from \$177.49 to \$228.67 per square foot of living area, including land.

Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In rebuttal, noting that there was a pending 2019 tax year appeal, the appellants contended that a decision of the Board lowering an assessment of an owner-occupied residential property, which has not been subsequently sold in an arm's length transaction, should rollover to the remainder of the triennial general assessment cycle. In this regard, the appellants reported the subject property was owner-occupied, had not recently sold, and thus, any prior year reduction should be carried forward, subject only to equalization.

Conclusion of Law

The appellants contend 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, pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) a reduction in the subject's assessment is warranted. In pertinent part, section 16-185 of the Property Tax Code provides:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction

establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

The Board finds that the subject property was the subject matter of an appeal before the Board for the 2019 tax year under Docket No. 19-06491.001-R-1 in which a decision was issued based upon the evidence presented by the parties reducing the subject's assessment to \$263,120. The record further disclosed the subject property is an owner-occupied dwelling. The Board also finds that the 2019 to 2020 tax years are within the same general assessment period and an equalization factor of 1.0037 was applied in Vernon Township in 2020. Furthermore, the decision of the Board for the 2019 tax year has not yet been reversed or modified upon review and there was no evidence the subject property recently sold establishing a different fair cash value. Applying section 16-185 of the Property Tax Code would result in a reduced total assessment of \$264,094, which is less than the 2020 assessment of the subject property of \$276,961.

Additionally, notwithstanding the dictates of Section 16-185 of the Property Tax Code, the appellants submitted an appraisal and the board of review submitted four comparable sales in support of their respective positions before the Board. The Board gives reduced weight to the value conclusion contained within the appellants' appraisal which relied on a total of five sales, three of which occurred less proximate in time to the January 1, 2020 assessment date at issue in this appeal. Given Nusinow's reliance on three sales that occurred in 2017 and 2018, the Board finds that the appraisal fails to produce a credible and/or reliable indicator of the subject's estimated market value as of the assessment date at issue. Having made this determination, the Board will examine the raw sales data presented in the appraisal and by the board of review.

Thus, the record contains a total of nine comparable sales for the Board's consideration. The Board gives less weight to appraisal sales #3, #4, and #5 due to their more remote sale dates. The Board gives less weight to appraisal sale #2, due to differences from the subject in age/effective age, lot size, garage amenities, and/or location. The Board gives less weight to the board of review's comparable #1, which has a much larger home than the subject dwelling.

The Board finds the best evidence of market value to be appraisal sale #1 and the board of review's comparables #2, #3, and #4, which are more similar to the subject in dwelling size, lot size, age/effective age, location, and some features, although these comparables each have a basement with finished area unlike the subject which has a crawl space foundation. These most similar comparables sold from June 2019 to December 2019 for prices ranging from \$775,000 to \$1,049,000 or from \$177.18 to \$221.82 per square foot of living area, including land. The subject's assessment reflects a market value of \$831,965 or \$184.23 per square foot of living area, including land, which is within the range established by the best comparable sales in the record; however, the subject does not have a basement with finished area like these most similar comparables. Based on this evidence and after considering appropriate adjustments to the best comparables for differences when compared to the subject, the Board finds that the comparables demonstrate the subject property, once reduced as an owner-occupied property, is correctly valued for assessment purposes.

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: April 19, 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

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