



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

APPELLANT: Cindy Oberg
DOCKET NO.: 20-03220.001-R-1
PARCEL NO.: 07-18-210-013

The parties of record before the Property Tax Appeal Board are Cindy Oberg, the appellant, by attorney Jeffrey Cernek, of Cernek Legal in Glenview; 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: \$10,689
IMPR.: \$77,402
TOTAL: \$88,091

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 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 parties appeared before the Property Tax Appeal Board on August 30, 2023 for a hearing at the Lake County Board of Review offices in Waukegan pursuant to prior written notice dated June 8, 2023. Appearing on behalf of the appellant was attorney Jeffrey Cernek, and appearing on behalf of the Lake County Board of Review was Jack Perry, Mass Appraisal Specialist for the Lake County Board of Review.¹

The subject property consists of a one-story dwelling of wood siding exterior construction with 1,298 square feet of living area. The dwelling was constructed in 1994. Features of the home include a basement with finished area, central air conditioning, a fireplace and a 400 square foot

¹ Prior to the hearing, the appellant's attorney acknowledged the appraiser would not be present, at which point Mr. Perry moved to dismiss the appraisal as hearsay evidence. During the hearing, the Mr. Cernek limited the discussion of the appellant's evidence to the two comparable sales in the Section V grid analysis of the petition.

garage. The property has a 5,450 square foot site and is located in Gurnee, Warren Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal and information on two comparable sales located within 0.33 of a mile from the subject property. The comparables have sites with 5,130 or 8,280 square feet of land area and are improved with one-story dwellings of vinyl or aluminum siding exterior construction with 1,298 or 1,515 square feet of living area, respectively and are each 27 years old. Both comparables have a basement with finished area, central air conditioning, one fireplace and a 400 or a 441 square foot garage. The properties sold in January and May 2018² for prices of \$229,000 and \$257,000 or for \$176.43 and \$169.64 per square foot of living area, land included, respectively.

The appellant's appeal petition reported the subject property sold on June 4, 2018 for a price of \$275,000. Section IV – Recent Sale Data reported the sale was not between family members or related corporations, was sold with the help of a realtor and was listed in the Multiple Listing Service (MLS) for a period of three days. Mr. Cernek argued the appellant overpaid for the subject property in June 2018, contending low inventory, a fluctuating market, and stated “there weren't that many sales, at that time, of properties of this nature, for sale.” Mr. Cernek asserted there were no comparable sales in 2017, two sales in 2018 and no sales in 2019. Based on this evidence, the appellant requested the subject's total assessment be reduced to \$78,326 which reflects a market value of \$235,002 or \$181.05 per square foot of living area, land included, when applying the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$88,091. The subject's assessment reflects a market value of \$264,617 or \$203.87 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.

In response to the appellant's evidence, Mr. Perry argued the Illinois Supreme Court has held that a contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967) Mr. Perry critiqued the appellant's comparable sales as having sold from “20 to 34 months” prior to the January 1, 2020 lien date at issue.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales located within 0.74 of a mile from the subject property. The comparables have sites that range in size from 7,410 to 10,890 square feet of land area and are improved with one-story dwellings of wood siding exterior construction that range in size from 1,497 to 1,588 square feet of living area. The homes were built in either 1993 or 1994. Each comparable has a basement, with one having finished area. Each dwelling has central air conditioning and a garage with either 400 or 441 square feet of building area. Two homes each

² The Board finds the best source for the sale dates of the appellant's comparables was found in the listings submitted by the appellant.

have one fireplace. The properties sold from May 2018 to September 2020 for prices ranging from \$272,500 to \$285,000 or from \$171.60 to \$190.38 per square foot of living area, land included.

The board of review included written comments noting the subject property sold through the MLS in June 2018 for a price of \$275,000. The board of review stated that the subject's listing described the subject property as "impeccably updated."

Mr. Perry also argued the subject's 2020 assessment reflects a market value below the subject's 2018 purchase price and moved to dismiss the appellant's appraisal evidence. Based on this evidence, the board of review requested the Property Tax Appeal Board increase the subject's assessment to reflect its 2018 sale price or alternately, to sustain the subject's current assessment.

In written rebuttal, the appellant's attorney asserted the subject's assessment should be reduced as the assessed values for board of review's comparables #1 and #4 are lower than for the subject property, board of review comparables #2 and #3 have larger site sizes than the subject's site size, and all of the board of review comparables were in similar condition to that of the subject. In support of these arguments, the appellant submitted recent MLS listing sheets for board of review comparables #1, #2 and #4 and an MLS sheet on board of review comparable #3 dated from 2007.

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.

The appellant submitted an appraisal and two comparable sales while the board of review submitted four comparable sales for the Board's consideration. Given the absence of the appraiser at hearing to address questions regarding the value conclusion for the subject property and the board of review's objection to the appraisal report as hearsay evidence, the Board gives no weight to the conclusion of value contained in the appellant's appraisal. The Board gives less weight to the appellant's two comparable sales along with board of review comparable #4 which sold in either 2017 or 2018, less proximate to the January 1, 2020 assessment date than other sales in the record. Similarly, less weight is given to the subject's 2018 sale.

The Board finds the best evidence of market value to be board of review comparables #1, #2 and #3 which sold more proximate to the assessment date at issue and are similar to the subject in location, age, design, dwelling size and other features. However, only one of these best comparables has a finished basement like the subject and two of the properties have larger sites when compared to the subject's site size. These best comparables sold from May 2019 to September 2020 for prices ranging from \$272,500 to \$285,000 or from \$171.60 to \$190.38 per square foot of living area, including land. The subject's assessment reflects a market value of \$264,617 or \$203.87 per square foot of living area, including land, which falls below the range

established by the best comparable sales in this record on an overall market value basis and above the range on a per square foot basis. Accepted real estate theory provides that, all things being equal, as the size of a property increases, the per unit value decreases. In contrast, as the size of a property decreases, the per unit value increases. Given the subject's dwelling size relative to the three best comparables in the record, a lower market value and a higher per square foot value appear to be logical. Therefore, after considering appropriate adjustments to the comparables for differences from the subject, the Board finds the subject's assessment appears justified and a reduction in the subject's assessment is not 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:

October 17, 2023



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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