



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

APPELLANT: Jeffrey Donelan  
DOCKET NO.: 21-00234.001-R-1  
PARCEL NO.: 11-22-400-020

The parties of record before the Property Tax Appeal Board are Jeffrey Donelan, the appellant, 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 **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:** \$90,833  
**IMPR.:** \$114,519  
**TOTAL:** \$205,352

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 2021 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 1-story dwelling of brick and frame exterior construction<sup>1</sup> with approximately 3,081 square feet of living area. The dwelling was constructed in 1979. Features of the home include a full walkout basement with finished area, central air conditioning, two fireplaces, a 974 square foot garage, and an inground swimming pool. The property has a 65,747 square foot, or approximately 1.51 acre, site and is located in Libertyville, Libertyville 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 \$550,000

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<sup>1</sup> Additional details regarding the subject property are found in the subject's property record card presented by the board of review.

as of January 2, 2019. The appraisal was prepared by Hans Schaetzke II, a certified residential real estate appraiser, for the purpose of a refinance transaction.

Under the sales comparison approach, the appraiser examined four comparable sales and two listings located from 0.32 to 0.96 of a mile from the subject property. The parcels range in size from 31,912 square feet to 1.88 acres of land area and are improved with 1-story or 2-story homes ranging in size from 2,426 to 4,250 square feet of living area. The dwellings range in age from 37 to 78 years old. Five homes each have a basement, four of which have finished area. Each home has central air conditioning, one to four fireplaces, and a 2-car, a 3-car, or 4-car garage. Comparable #1 has an inground swimming pool. Four comparables sold from March to August 2018 for prices ranging from \$452,900 to \$553,500 or from \$126.47 to \$208.87 per square foot of living area, including land. Two comparables were listed for sale for \$549,500 and \$659,500 or for \$226.50 and \$199.61 per square foot of living area, including land, respectively.

The appraiser made adjustments to the comparables for differences from the subject, such as location, lot size, view, quality of construction, condition, dwelling size, room count, foundation type, finished basement area, and other amenities, to calculate adjusted sale prices ranging from \$546,193 to \$606,481. Due to the condition of the subject's inground swimming pool, the appraiser stated no adjustments were made for this feature, which feature was addressed in the cost approach. Based on the foregoing, the appraiser opined a market value of \$550,000 as of January 2, 2019 under the sales comparison approach.

Under the cost approach, the appraiser opined a site value of \$125,000 and calculated a replacement cost new for the subject of \$650,488. After subtracting depreciation of \$210,844 and adding other improvements of \$10,000, the appraiser opined a market value of \$574,644 for the subject as of January 2, 2019 under the cost approach.

The appraiser gave more weight to the sales comparison approach in estimating a market value of \$550,000 for the subject as of January 2, 2019.

Based on this evidence the appellant requested a reduction in the subject's assessment to 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 \$205,352. The subject's assessment reflects a market value of \$616,118 or \$199.97 per square foot of living area, land included, when applying the statutory level of assessment of 33.33%. The subject has an improvement assessment of \$114,519 or \$37.17 per square foot of living area.

In support of its contention of the correct assessment the board of review submitted a Multiple Listing Service (MLS) data sheet associated with the sale of the subject property in July 2021 for \$755,000, together with information on three comparable sales located from 0.31 of a mile to 1.29 miles from the subject property. The parcels range in size from 40,051 to 206,933 square feet of land area and are improved with 1-story homes of frame exterior construction ranging in size from 2,986 to 3,285 square feet of living area. The dwellings were built from 1970 to 1987 with the comparables #2 and #3 having effective ages of 1983 and 1982, respectively. Each

home has a basement, central air conditioning, one or two fireplaces, and a garage ranging in size from 576 to 1,880 square feet of building area. The comparables sold from August to November 2020 for prices ranging from \$590,000 to \$700,000 or from \$179.60 to \$234.43 per square foot of living area, including land. The comparables have total assessments ranging from \$180,195 to \$194,746 and improvement assessments ranging from \$86,862 to \$124,948 or from \$29.09 to \$41.09 per square foot of living area.

Based on this evidence the board of review requested the subject's assessment be increased to reflect the subject's 2021 sale price of \$755,000.

### **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 presented an appraisal and the board of review presented the subject's July 2021 sale and three comparable sales in support of their respective positions before the Board. The Board gives less weight to the value conclusion contained in the appraisal due to its reliance on comparables that significantly differ from the subject in design, dwelling size, condition, and other features, necessitating large adjustments to the comparables. Moreover, two comparables are much older homes than the subject, but the appraiser did not make adjustments for age. Two of the comparables are listings which are not as indicative of market value as sales and the four sales occurred in 2018, which is less proximate in time to the January 1, 2020 assessment date as other sales in this record. For these reasons, the Board finds the value conclusion stated in the appraisal less credible and shall instead consider the raw sales data contained in the appraisal and presented by the board of review.

The record contains a total of seven comparable sales, two listings, and a July 2021 sale of the subject property for the Board's consideration. The Board gives less weight to the listings as less indicative of market value than a sale. The Board gives less weight to the appraisal sales due to their sales dates more remote in time from the assessment date than other sales in this record.

The Board finds the best evidence of market value to be July 2021 sale of the subject property, which was not refuted or challenged by the appellant in written rebuttal. "[A] contemporaneous sale between parties dealing at arms length is not only relevant to the question of fair cash market value, but would be practically conclusive on the issue of whether an assessment was at full value." People ex rel. Korzen v. Belt R. Co., 37 Ill. 2d 158, 161, 226 N.E.2d 265, 267 (1967) (citations omitted). The Board finds the subject had a market value of \$755,000 as of the assessment date at issue.

However, the Board finds that the comparable sales presented by the board of review have total assessments for the 2021 tax year that reflect market values less than their respective 2020 purchase prices. These comparables have improvement assessments ranging from \$86,862 to

\$124,948 or from \$29.09 to \$41.09 per square foot of living area. The subject's improvement assessment of \$114,519 or \$37.17 per square foot of living area is within the range established by these comparables. Therefore, to maintain assessment uniformity, the Board finds no change in the subject's assessment is appropriate.

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: September 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

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