



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

APPELLANT: Russell & Carey Cernivec
DOCKET NO.: 21-00447.001-R-1
PARCEL NO.: 13-09-403-009

The parties of record before the Property Tax Appeal Board are Russell & Carey Cernivec, the appellants, by attorney Robert Rosenfeld, of Robert H. Rosenfeld & 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: \$43,931
IMPR.: \$135,618
TOTAL: \$179,549

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 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 wood siding exterior construction with 3,178 square feet of living area. The dwelling was constructed in 1989. Features of the home include a basement with a finished area, central air conditioning, a fireplace, and a garage with 891 square feet of building area. The property has a 50,334 square foot site and is located in Lake Barrington, Cuba Township, Lake County.

The appellants contend assessment inequity with respect to the improvement as the basis of the appeal. In support of this argument, the appellants submitted information on five suggested equity comparables that are in the same assessment neighborhood code as the subject and located within 0.35 of a mile from the subject property. The comparables are improved with 1-story dwellings of brick and frame exterior construction ranging in size from 2,929 to 3,889 square feet of living area that were built from 1981 to 1988, comparable #4 has an effective year of 1991. Each comparable has a basement, one with finished area that has a walk out design, central air conditioning, one or three fireplaces and a garage ranging from 795 to 1,103 square feet of building area. Comparables #3 and #5 have an inground swimming pool. The comparables have improvement assessments ranging

from \$115,243 to \$139,872 or from \$35.27 to \$39.35 per square foot of living area. Based on this evidence, the appellants requested the subject's improvement assessment be reduced to \$118,062 or \$37.15 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$179,549. The subject property has an improvement assessment of \$135,618 or \$42.67 per square foot of living area.

In support of its contention of the correct assessment the board of review submitted information on five suggested equity comparables that are in the same assessment neighborhood code as the subject and located from 0.06 of a mile to 1.11 miles from the subject property. The comparables are improved with 1-story dwellings of brick, stone and wood siding, brick and wood siding or brick and stone exterior construction ranging in size from 3,320 to 3,559 square feet of living area that were built from 1985 to 1990. Each comparable has a basement, three with finished area and two of walk out design, central air conditioning, one to three fireplaces and a garage ranging in size from 850 to 1,184 square feet of building area. Comparables #2 and #3 have an inground swimming pool. The comparables have improvement assessments ranging from \$128,132 to \$155,355 or from \$38.16 to \$46.51 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The taxpayers contend assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted ten suggested comparables for the Board's consideration. The Board has given less weight to the appellants' comparables #3, #4 and #5 and the board of review comparables #2 and #3 due to their larger dwelling size and/or inground swimming pool, when compared to the subject. The Board gave reduced weight to the board of review comparable #1 for being located over 1 mile away from the subject.

The Board finds the best evidence of assessment equity to be the appellants' comparables #1 and #2 and the board of review comparables #4 and #5 which are similar to the subject in location, design, age, dwelling size and some features. However, the Board finds the four comparables have smaller basements or less finished basement area, if any, when compared to the subject, suggesting upward adjustments would be required to make the comparables more equivalent to the subject. These most similar comparables have improvement assessments ranging from \$115,243 to \$143,546 or from \$38.13 to \$40.33 per square foot of living area. The subject property has an improvement assessment of \$135,618 or \$42.67 per square foot of living area, which falls within the range on an overall improvement assessment but slightly higher on a per square foot basis. The subject property's higher per square foot value appears to be justified given its larger finished basement. After considering adjustments to the best comparables for differences from the subject, the Board finds

the subject's assessment is supported. Based on this record, the Board finds the appellants did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the 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:

August 22, 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

AGENCY

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