



FINAL ADMINISTRATIVE DECISION ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Nan Stein
DOCKET NO.: 23-00174.001-R-1
PARCEL NO.: 16-33-404-055

The parties of record before the Property Tax Appeal Board are Nan Stein, the appellant, by attorney Abby L. Strauss, of Schiller Law P.C. 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:	\$76,003
IMPR.:	\$146,479
TOTAL:	\$222,482

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 2023 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 2-story dwelling of brick exterior construction with 2,726 square feet of living area. The dwelling was constructed in 1985 and is approximately 38 years old. Features of the home include a basement with finished area, central air conditioning, one fireplace and a 420 square foot 2-car garage. The property has an approximately 11,873 square foot site and is located in Deerfield, West Deerfield 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 \$480,000 as of January 1, 2023. The appraisal was prepared by Audrey Clamage, a Certified Residential Real Estate Appraiser. The intended use of the appraisal report was for a property tax appeal.

The appraiser commented that the subject property suffered from deferred maintenance, noting original kitchen, bathroom and flooring elements. The appraisal included photographs of water stained interior ceiling surfaces at various locations in the dwelling. The appraiser stated in commentary and captions of photographs there was evidence of mold found in the 2nd floor and basement bathrooms. The appraiser did not call for an inspection by a qualified expert. The Scope of Work, Assumptions and Limiting Conditions expressly states the appraiser "claims no special expertise" with respect to moisture problems and mold, among other areas. The report does not include any cost to cure reported deficiencies.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value selecting three comparable sales located either 0.35 of a mile or 1.44 miles from the subject property. The comparables have sites with either 10,881 or 12,001 square feet of land area and are improved with 2-story dwellings¹ of brick, cedar or brick and frame exterior construction ranging in size from 2,172 to 2,888 square feet of living area and are either 51 or 61 years old. Each comparable has a basement with two having finished area. Each dwelling has central air conditioning and a 2-car garage. Two homes each have one fireplace. Comparables #1 and #3 are reported to have updated kitchen and bathroom elements. The comparables sold from March to November 2022 for prices ranging from \$415,000 to \$530,000 or from \$159.00 to \$244.01 per square foot of living area, land included.

After adjusting comparables #1 and #2 for sale or financing concessions, the appraiser adjusted the comparables for differences from the subject in dwelling size, basement features and modernizations arriving at adjusted sale prices of the comparables ranging from \$419,060 to \$505,390 and an opinion of market value for the subject of \$480,000. Based on this evidence, the appellant requested the subject's assessment be reduced to reflect the appraised value when applying the statutory assessment level of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$222,482. The subject's assessment reflects a market value of \$667,513 or \$244.87 per square foot of living area, land included, when using the statutory level of assessment of 33.33%.²

In support of its contention of the correct assessment the board of review submitted information on four comparables located within 0.40 of a mile from the subject property. Two comparables have 11,136 square foot sites. The properties are improved with 1-story or 2-story dwellings of brick exterior construction ranging in size from 2,442 to 3,364 square feet of living area and are either 37 or 38 years old. Each comparable has a basement with finished area, central air conditioning, one fireplace and a garage ranging in size from 428 to 484 square feet of building area. The comparables sold from April to December 2022 for prices ranging from \$675,000 to \$930,000 or from \$217.00 to \$278.61 per square foot of living area, land included.

¹ While the appraiser depicts the comparable properties as Colonial, exterior photographs of these dwellings depict each to have a 2-story design.

² Procedural rule Sec. 1910.50(c)(1) provides that in all counties other than Cook, the three-year county wide assessment level as certified by the Department of Revenue will be considered. 86 Ill.Admin.Code Sec. 1910.50(c)(1). Prior to the drafting of this decision, the Department of Revenue has yet to publish figures for tax year 2023.

The board of review critiqued the appraisal comparables arguing the three comparables are either 13 or 23 years older than the subject without any adjustment and that appraisal comparables #2 and #3 are located approximately 1.50 miles from the subject in a different assessment neighborhood. The board of review contended that each of its comparables are located within 0.50 of a mile from the subject and are more similar to the subject in age. Moreover, the board of review contended the board of review's comparable sales would have been available to the appraiser at the time the appraisal report was prepared. Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellant's attorney argued the appellant submitted an appraisal prepared by an Illinois Certified Appraiser opining the subject had a market value of \$480,000 as of January 1, 2023. In contrast, counsel contended the board of review failed to address the issue before this Board and that the sale data provided by the board of review did not comply with the rules of the Property Tax Appeal Board under section 1910.65(c).

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 the board of review submitted four comparable sales for the Board's consideration. The Board finds the comparables selected by the appraiser are dissimilar to the subject in age and/or location and that the appraiser failed to adjust the comparables for these differences or to explain why no adjustments were made for these differences from the subject. The appraisal has a report date of October 2023, indicating all of the board of review comparables were available to the appraiser. However, none of these sales were selected by the appraiser despite their similarity to the subject in location and age, without explanation. As a result, less weight is given to the opinion of value for the subject as presented in the appraisal.

The Board finds the best evidence of market value to be board of review comparables #1, #2 and #4 which are similar to the subject in location, age, design, and other features. However, each of these dwellings has a larger living area when compared to the subject, suggesting downward adjustments are needed to make these properties more equivalent to the subject. These three board of review comparables sold from April to December 2022 for prices ranging from \$730,000 to \$930,000 or from \$217.00 to \$278.61 per square foot of living area, including land. The subject's assessment reflects a market value of \$667,513 or \$244.87 per square foot of living area, including land, which falls below the range established by the best comparable sales in the record on an overall market value basis and within the range on a per square foot basis. Given the subject's smaller dwelling size and original kitchen and bathroom elements, a lower overall market value appears logical. The Board gives little weight to board of review comparable #3 which differs from the subject in design. Therefore, after considering appropriate adjustments to

the comparables for differences from 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: _____

C E R T I F I C A T I O N

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 17, 2024



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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