



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

APPELLANT: Leslie Guzek
DOCKET NO.: 09-03418.001-R-1 through 09-03418.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Leslie Guzek, the appellant, by attorney Scott Shudnow of Shudnow & Shudnow, Ltd., Chicago; and the Lake County Board of Review.

Based on the facts and exhibits presented, 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
09-03418.001-R-1	16-21-202-001	53,853	384,410	\$438,263
09-03418.002-R-1	16-21-202-013	32,690	0	\$32,690

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story brick dwelling containing 6,949 square feet of living area that was built in 2003. Features include a full basement that is 85% finished, central air conditioning, three fireplaces, and a 1,080 square foot four-car attached garage. The dwelling is situated on approximately 40,000¹ square feet of land area.

The appellant submitted evidence before the Property Tax Appeal Board through counsel claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal of the subject property. Using two of the three traditional approaches to value, the appraisal report conveys an estimated market value of \$1,250,000 as of January 1, 2009.

Under the cost approach to value, the appraiser estimated the subject's site had value of \$370,000 or \$5.31 per square foot of land area based on local land sales and the extraction method.

¹ The Board finds the appellant's appraiser incorrectly described the subject lot as containing 1.6 acres or 69,696 square feet of land area. See property record cards submitted by the board of review.

However, the report did not contain any land sales or evidence detailing the methodology employed to calculate the subject's estimated land value. The depreciated cost of the improvements was estimated to be \$920,245. Adding the value for site improvements of \$15,000, the appraiser concluded a value under the cost approach of \$1,035,245.

Under the sales comparison approach to value, the appraiser utilized three suggested comparable sales that are located from .50 of a mile to 2.61 miles from the subject. The comparables consist of two-story masonry or stucco and concrete dwellings that were built in 1987 to 1999. The comparables have full basements that are full or partially finished. Other features include central air conditioning and three to five car garages. Comparables 1 and 3 have a swimming pool and tennis court. The dwellings range in size from 7,101 to 7,878 square feet of living area and are situated on lots that contain .08 of an acre or 1 acre of land area. The comparables sold from November 2007 to November of 2008 for prices ranging from \$980,000 to \$1,355,910 or from \$132.77 to \$190.95 per square foot of living area including land.

The appraiser adjusted the comparables for differences when compared to the subject in land area, age, room count, dwelling size, functional utility, garage size, swimming pools and tennis courts. The adjustments resulted in adjusted sales prices ranging from \$1,106,000 to \$1,348,910 or from \$149.84 to \$189.96 per square foot of living area including land. Based on the adjusted sale prices, the appraiser estimated the subject property had a fair market value of \$1,250,000 or \$179.88 per square foot of living area including land under the sales comparison approach.

Under reconciliation, the appraiser gave most weight to the sales comparison approach because it closely resembles the actions of buyers and sellers in the market. The cost approach was given no consideration in the final value conclusion. Therefore, the appraiser concluded the subject property had an estimated market value of \$1,250,000 as of January 1, 2009.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect its appraised value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$470,953 was disclosed. The subject's assessment reflects an estimated market value of \$1,433,211 or \$206.25 per square foot of living area including land when applying Lake County's 2009 three-year median level of assessments of 32.86%.

In support of the subject's assessment, the board of review submitted a letter addressing the appeal, photographs, property record cards, a location map and a market analysis detailing five suggested comparable sales, one of which was also utilized by the appellant's appraiser.

In response to the appraisal submitted by the appellant, the board of review argued comparables 1 and 3 are older than the subject. The board of review argued comparable 2 was not adjusted due to its location on a busy street. The board of review argued comparable 3 was a distressed sale through foreclosure that the appraiser adjusted by \$95,000 or over a 30% gross adjustment due to its inferior condition.

The five comparable sales submitted by the board of review consist of two-story brick or brick and frame dwellings that were built from 1967 to 2006. Three comparables have unfinished basements and two comparables have partial finished basements. Other features include central air conditioning, one or two fireplaces and attached garages ranging in size from 782 to 1,092 square feet. The dwellings range in size from 5,312 to 7,101 square feet of living area and are situated on lots that range in size from 35,158 to 47,916 square feet of land area. The comparables sold from November 2007 to September 2009 for prices ranging from \$1,350,000 to \$1,600,000 or from \$190.95 to \$254.14 per square foot of living area including land.

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

Under rebuttal, appellant's counsel argued the board of review did not submit a full professional appraisal to refute the appraised value as submitted by the appellant. The appellant emphasized the comparable sales submitted by the board of review are unadjusted raw sales and do not conform to the Uniform Standards of Professional Appraisal Practice (USPAP). Additionally, counsel argued the comparables are from 6 to 36 years older than the subject. With respect to age adjustments or lack thereof, appellant's counsel claimed the appraiser relied on the effective age rather than actual age when calculating adjustment amounts, although this contention was not referred to in the appraisal report. The appellant also contends the board of review had not inspected the subject property as did the appraiser.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Property Tax Appeal Board further finds no reduction in the subject property's assessment is warranted.

The appellant argued the subject property was overvalued. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2d 1256 (2nd Dist. 2000). The Board finds appellant has failed to meet this burden of proof.

The appellant submitted an appraisal report estimating the subject property has a fair market value of \$1,250,000 as of

January 1, 2009. The appraiser placed most emphasis on the sales comparison approach to value and no weight to the cost approach to value. The board of review submitted five suggested comparable sales in support of its assessment of the subject property.

The Property Tax Appeal Board gave little weight to the appraisal value conclusion submitted by the appellant. First, the Board finds the appellant's appraiser used an incorrect land size for the subject property, which calls into question the data collection process and undermines the credibility of the appraisal report. In addition, the Board finds comparables 1 and 3 are older when compared to the subject and comparable 2 is located over two miles from the subject. Furthermore, both parties indicated comparable 2 is located on a busy street, unlike the subject. The Board recognizes the appellant's appraisers attempted to make adjustments for some of the aforementioned differences, however, the Board finds the adjustment amounts do not appear reasonable for differences in age and dwellings size and are not supported with any accepted source or corroborating market evidence.

The board also gave little weight to comparables 1, 3 and 5 submitted by the board of review. Comparable 1 is located over two miles from the subject on a busy street, unlike the subject. Comparables 3 and 5 are older in age than the subject. Additionally, comparable 5 is considerably smaller in size than the subject. The Board finds the two remaining comparables submitted by the board of review, particularly comparable 2, are most similar when compared to the subject in location, style, age, size, land area and features. These most similar properties sold in March and September of 2009 for sale prices of \$1,600,000 and \$1,400,000 or \$246.15 and \$226.57 per square foot of living area including land, respectively. The subject's assessment reflects an estimated market value of \$1,433,211 or \$206.25 per square foot of living area including land, which is supported by a preponderance of the most credible market value evidence contained in this record. Therefore, the Board finds no reduction in the subject's assessment is 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.



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: February 22, 2013



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 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 the subsequent year 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.

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.