



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

APPELLANT: Norman T. Finkel
DOCKET NO.: 10-02962.001-R-1
PARCEL NO.: 16-15-104-042

The parties of record before the Property Tax Appeal Board are Norman T. Finkel, the appellant, by attorney G. Terence Nader of Schoenberg Finkel Newman & Rosenberg LLC, in 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:

LAND: \$50,015
IMPR.: \$129,967
TOTAL: \$179,982

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of frame and masonry construction containing 3,118 square feet of building area.¹ The home was built in 1987 and has a partially finished basement. Other features include central air conditioning, one fireplace and a 462 square foot two-car garage. The dwelling is situated on 11,908 square feet of land located in Moraine Township, Lake County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board contending the market value of the subject property is not accurately reflected in its assessed valuation. In support of this argument, the appellant submitted an appraisal of the subject property prepared by Garry Nusinow, a state licensed appraiser. The intended use of the appraisal report was to provide a basis for appeal of assessment placed against the property for ad valorem taxation by the Lake County Assessor's

¹ The appellant reports the subject dwelling has 3,010 square feet of living area.

Office. The appraisal report conveys an estimated market value for the subject property of \$500,000 as of January 1, 2010. The appraiser developed the sales comparison approach in estimating the market value for the subject property.

Under the sales comparison approach to value, the appraiser utilized five comparable sales located from .02 to .58 of a mile from the subject property. The comparables have lot sizes ranging from 11,920 to 17,012 square feet of land area. They are improved with "Colonial" style frame and masonry dwellings that contain from 2,714 to 3,245 square feet of living area. The dwellings were built from 1973 to 1984. The comparables feature basements, two of which are partially finished. Other features include central air conditioning, one or two fireplaces and two-car garages. The sales occurred from June to December 2009 for prices ranging from \$360,500 to \$582,500 or from \$120.41 to \$184.74 per square foot of living area including land.

The appraiser adjusted the comparables for differences when compared to the subject in sales or financing concessions, site, age, condition, gross living area, basement & finished, rooms below grade, energy efficient items, garage/carport, porch/patio/deck and modernization. The adjustments resulted in adjusted sale prices ranging from \$437,500 to \$522,000. Based on the adjusted sale prices, the appraiser estimated the subject had a fair market value of \$500,000 as of January 1, 2010.

Based on this evidence the appellant requested the subject's assessment be reduced to \$166,650.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's final assessment of \$179,982. The board of review asserted the subject property was an owner occupied dwelling that was the subject matter of an appeal before the Property Tax Appeal Board for the 2008 tax year under Docket Number 08-02764.001-R-1. In that appeal the Property Tax Appeal Board issued a decision reducing the subject's assessment to \$211,680. The board of review further explained that Moraine Township's general assessment period began in 2007 and runs through tax year 2010. It further indicated that in tax year 2009 a township equalization factor of .9900 was applied to Moraine Township and in 2010 a township equalization factor of .9436 was applied to Moraine Township. The board of review explained that if the assessment for the 2010 tax year was calculated by applying the 2009 and 2010 equalization factors to the Property Tax Appeal Board's assessment as determined for the 2008 tax year in accordance with section 16-185 of the Property Tax Code (35 ILCS 200/16-185) the subject's assessment would be \$197,744. The board of review asserted the subject's assessment for the 2010 tax year was \$179,982, which is less than required by the application of section 16-185 of the Property Tax Code. The board of review requested confirmation of the subject's assessment.

Under rebuttal, the appellant argued that Lake County Board of Review's contention should be rejected due to its previous action of lowering the appellant's 2010 assessment and the Property Tax Appeal Board's power to review the action of the Lake County Board of Review.

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 Board further finds a reduction in the subject's assessment is not justified.

The Board finds the appellant's argument is misplaced with regards to the application of Section 16-185 of the Property Tax Code. (35 ILCS 200/16-185)

Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. (35 ILCS 200/16-185)

The Board finds that Section 16-185 of the Property Tax Code is unambiguous in stating that if the Property Tax Appeal Board issues a decision lowering the assessment of an owner occupied dwelling that assessment is to remain the same during the remainder of the general assessment period, subject to equalization, with two exceptions not applicable here. The record is clear that applying the dictates of Section 16-185 the assessment of the property for the 2010 tax year would be \$197,744, an increase of \$17,762. Based on this record and the request of the Lake County Board of Review, the Property Tax Appeal Board declines to increase the subject's assessment.

In summary, the Board finds that the subject property was the subject matter of an appeal for the 2008 tax year in which the Property Tax Appeal Board issued a decision reducing the subject's assessment to \$211,680. The record further disclosed the subject property is an owner occupied dwelling and the 2008, 2009 and 2010 tax years are in the same general assessment period. The record also disclosed that an equalization factor of .9900 was applied in Moraine Township in 2009 and an equalization factor of .9436 was applied in Moraine Township in 2010. Furthermore, the decision of the Property Tax Appeal Board for the 2008 tax year was not reversed or modified upon review and there was no evidence the property sold establishing a different

fair cash value. Applying section 16-185 of the Property Tax Code would result in an assessment of \$197,744, which is greater than the 2010 assessment of the subject property of \$179,982. After considering the requirements of section 16-185 of the Property Tax Code, the Property Tax Appeal Board finds that 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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: August 23, 2013

Allen Castrovillari

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.