



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

APPELLANT: Adi Mor  
DOCKET NO.: 11-02359.001-R-2  
PARCEL NO.: 16-24-301-005

The parties of record before the Property Tax Appeal Board are Adi Mor, the appellant, by attorney Thomas J. McCracken, Jr. of Thomas J. McCracken, Jr. & Associates 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:** \$1,121,465  
**IMPR.:** \$745,015  
**TOTAL:** \$1,866,480

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a two-story dwelling of stone exterior construction that contains 11,217 square feet of living area. The dwelling was built in 2001. The dwelling has a full basement with 4,365 square feet of finished area. Other features include central air conditioning, two fireplaces, an indoor swimming pool, a hot tub, a patio, a deck and an 888 square foot attached garage. The dwelling is situated on an 83,200 square foot site along Lake Michigan. The subject property is located in Highland Park, Moraine Township, Lake County.

The appellant appeared before the Property Tax Appeal Board through counsel claiming overvaluation as the basis of the

appeal. In support of this argument, the appellant submitted a summary appraisal report of the subject property. Using the sales comparison approach to value, the appraisal report conveys an estimated market value of \$4,800,000 as of January 1, 2011. The appraiser, Joseph Parker, was present at the hearing for direct and cross-examination regarding the appraisal methodology and final value conclusion.

Under the sales comparison approach to value, the appraiser utilized three suggested comparables from Highland Park and one from Lake Forest. The comparables were located from .41 to 4.60 miles from the subject. The appraiser described comparables 1, 3 and 4 as offering lake frontage similar to the subject and comparable 2 as being in close proximity to the lake and subject property. The site view of the subject and comparable 3 were described as "Wooded/Lake". Comparable 2's site view was described as "Wooded" and comparables 1 and 4's site views were described as "Lake". The dwellings were described as 3-story or 2-story dwellings of stone, brick or stone and cedar exterior construction. Quality of construction for the subject and comparables was described as average and all were reported to be in good condition. The subject and comparables 1, 2 and 3 have full finished basements. Comparable 4 has a full unfinished basement. There was no mention as to whether any of the comparables had swimming pools or fireplaces. All the comparables have central air conditioning and attached garages ranging in size from a 3-car to a 5-car garage. Comparables 1, 2 and 3 have a patio and a deck. Comparable 4 has a patio. The dwellings range in age from 3 to 86 years old. The dwellings range in size from 5,616 to 12,213 square feet of living area and are situated on lots that range in size from 37,026 to 172,498 square feet of land area. The comparables sold from March 2010 to May 2011 for prices ranging from \$3,000,000 to 5,200,000 or from \$425.78 to \$534.19 per square foot of living area including land.

The appraiser made significant adjustments to the comparables for differences when compared to the subject for site size, view, age, gross living area, basement finish and garage size. The adjustments resulted in adjusted sales prices ranging from \$3,929,150 to \$4,865,600 or from \$398.40 to \$699.63 per square foot of living area including land. However, in the summary of sales comparables section of the report, the appraiser reported that the sales establish an adjusted range of \$4,232,700 to \$5,092,000. Based on the adjusted sales prices, the appraiser estimated the subject property had a fair market value of

\$4,800,000 or \$427.92 per square foot of living area including land.

The appraiser testified that he utilized both the Multiple Listing Service (herein after MLS) listings and appropriate tax records as sources of data. He confirmed that an MLS search for the area from 2007 through 2014 disclosed the highest sale located in the Village of Highland Park was board of review comparable 1 for \$5,100,000. The appraiser testified that he chose three comparables from Highland Park and used comparable 4 from Lake Forest so he could bracket the subject's size.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect a fair market value of \$4,800,000.

Under cross-examination, specifically regarding site adjustments, Parker disclosed using a \$100,000 per acre adjustment based on experience in dealing with the market and reviewing activity in the area. Parker also testified that the site adjustments are not based on the underlying land value, but are based on the incremental benefit to a potential buyer that would pay for having some additional yard. Regarding the view adjustment for comparable #2, Parker testified that all the comparables used in the report were either lakefront or properties within a block or two of the lake and the adjustment was for having non-lakefront property. When questioned as to why "swimming pool" was not featured in the appraisal's grid, Parker stated, "Because it wasn't a significant enough factor." When questioned as to which of his comparables had swimming pool square footage included in calculating the dwellings' living area, Parker stated, "I don't recall." When asked why a cost approach was not done on a 10 year old dwelling, Parker, stated, "In this case, there wasn't enough significant data to support an accurate number for depreciation. So with that said, the cost approach wasn't applicable". When asked, if the 10-year old subject dwelling was comparable to his comparable 3 at 83-year old and his comparable 4 at 86-year old, Parker stated, "I do." When asked why the common comparable, identified as 933 Sheridan Rd., Highland Park, IL., had differing square footage of living area reported by the parties, Parker testified, "I looked at the county records and I looked at the MLS. I tried adding up room counts, doing ratios, and I thought that the number I used was the best number."

On re-direct, Parker disclosed that in viewing the Property Record Cards submitted by the board of review, comparable 1 has

an indoor pool, but it is not included in living area due to its location below grade and he believes comparable 4 has an outdoor swimming pool. When asked if he could recall if his comparables 2 and 3 have pools, Parker stated, "I do not."

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$1,866,480 was disclosed. The subject's assessment reflects an estimated market value of \$5,757,187 or \$513.26 per square foot of living area including land using Lake County's 2011 three-year median level of assessments of 32.42%.

John Paslawsky presented the evidence on behalf of the board of review. As to the appellant's evidence, the board of review submitted a one-page brief arguing that two of the appellant's comparables were not located on Lake Michigan and appellant's comparables 3 and 4 are from 2.54 to 4.6 miles from the subject.

In support of the subject's assessment, the board of review submitted four suggested comparable sales, of which comparable 4 was purchased as a "tear down". The board of review's comparable 2 is the same property as the appellant's appraisal's comparable #1. The board of review submitted the property record cards and MLS sheets for their comparables. Comparables 1, 2 and 3 consist of one-story or two-story frame, stone or brick and stucco dwellings that contain from 7,354 to 8,870 square feet of living area.<sup>1</sup> The homes were built from 1964 to 2006. The dwellings are situated on lots that range in size from 39,870 to 120,973 square feet of land area. All the comparables have frontage along Lake Michigan like the subject and are located from .48 to 1.53 miles from the subject. The comparables have full finished basements, central air conditioning, two or five fireplaces and attached garages ranging in size from 708 to 1,456 square feet of building area. Comparables 1 and 2 have indoor swimming pools and comparable 3 has an outdoor swimming pool. The comparables sold from April 2011 to July 2012 for prices ranging from \$4,275,000 to \$5,100,000 or from \$481.96 to \$614.63 per square foot of living area including land. Comparable 4 has an 84,856 square foot lot that is located .91 of a mile from the subject with lake frontage similar to the subject. At the time of the sale, this property had a 3,222 square foot ranch dwelling that was built in 1955. The home featured a walkout lower level. After the sale, the home was demolished and a new home built in 2012.

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<sup>1</sup> The property record card for the board of review's comparable 2 included a sketch of the dwelling disclosing the home has 7,354 square feet of living area.

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

Under cross-examination, Paslawsky agreed that the board of review's comparables 1 and 3 sold after the appellant's appraisal was completed on November 13, 2011. When asked if board of review's comparable 1's dwelling size included the square footage of the indoor swimming pool, Paslawsky stated, "I don't recall. I don't recall offhand." When asked why the subject is assessed at 5.6 million dollars and the board of review's comparable 1, which has a larger lot and swimming pool, sold for 5.1 million dollars, Paslawsky stated, "It certainly is a good comparable."

After hearing the testimony 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 no reduction in the subject's assessment is warranted.

For this appeal, 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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3<sup>rd</sup> Dist. 2002); 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 evidence in this record supports the subject's assessment.

The appellant submitted an appraisal report estimating the subject's fair market value of \$4,800,000 as of January 1, 2011. The board of review submitted four suggested comparable sales to support the subject's assessment. One comparable was utilized by both parties.

The Property Tax Appeal Board gave no weight to the appellant's appraiser's value conclusion of \$4,800,000. The Board finds the value conclusion was not persuasive or supported by credible testimony and market evidence.

With respect to the sales comparison approach to value developed by Parker, the Property Tax Appeal Board finds the final value opinion of \$4,800,000 is misleading and not supported by

credible market evidence. Foremost, suggested comparable sales 2 and 4 selected by Parker are not lake front properties, dissimilar to the subject. The Board finds the \$100,000 per acre land adjustment amount applied to the comparables was not supported by credible market value evidence contained in the record. The Board finds the appraiser's explanation regarding the application of the land adjustment amount used in the sales comparison approach to value unpersuasive and not supported by the evidence. In addition, the Board finds the appraiser's lack of knowledge regarding whether two of the comparables used in the appraisal report had swimming pools problematic. The appraiser's testimony regarding a swimming pool not being listed as a feature within the appraisal was not persuasive. The Board finds that a swimming pool is a feature that should be analyzed as to its contributory value to a dwelling. Additionally, the Board finds appraisal comparables 3 and 4 are significantly older when compared to the subject, with comparable #3 also being considerably smaller.

The board of review submitted four suggested comparable sales to justify the subject's assessment, all having similar lake front access as the subject. The Board gave less weight to the board of review's comparable 3 due to its sale date in July 2012. The Board finds this sale too far removed from the subject's January 1, 2011 assessment date to be of probative value as to the subject's real estate market value at issue. The Board also gave less weight to the board of review's comparable 4 due to its dissimilar ranch style dwelling when compared to the subject and its status as a "tear down" property.

As to the discrepancy in square footage of living area regarding the common comparable identified as 933 Sheridan Rd., Highland Park, IL., the Board finds the best evidence in this record is the sketch of the dwelling from the property record card depicting a size of 7,354 square feet of living area.

The Board finds the best comparables in this record are the board of review's comparable 1 and the common comparable identified as 933 Sheridan Rd., Highland Park, IL. These properties have lake frontage similar to the subject. The properties are also similar in age, size and features including indoor swimming pools. These properties sold in December 2011 and April 2011 for prices of \$5,100,000 and \$4,520,000 or \$587.02 and \$614.63 per square foot of living area including land, respectively. The subject's estimated market value based on its assessment of \$5,757,187 or \$513.26 per square foot of living area including land is supported by the square foot

prices of the best comparables in this record. After adjusting the comparables for differences when compared to the subject, the Board finds the subject's assessment is justified and 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.

*Ronald R. Crit*

Chairman

*K. L. F...*

Member

*Richard A. ...*

Member

*Mark ...*

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: July 18, 2014

*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.