



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

APPELLANT: Micheal Skrobacz
DOCKET NO.: 11-04526.001-R-1
PARCEL NO.: 14-24-202-017

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

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction 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: \$72,743
IMPR: \$186,617
TOTAL: \$259,360

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 2011 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 two-story dwelling of brick construction with 4,666 square feet of living area. The dwelling was constructed in 2005. Features of the home include

a full walkout-style basement with finished area and a bathroom,¹ central air conditioning, two fireplaces and an attached three-car garage. The property has an approximately 77,770 square foot site or 1.78-acres and is located in Long Grove, Ela 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 \$800,000 as of January 1, 2011. Based on this evidence, the appellant requested an assessment reduction to \$266,400 which would reflect a market value of approximately \$799,200.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$308,303. The subject's assessment reflects a market value of \$950,965 or \$203.81 per square foot of living area, land included, when using the 2011 three year average median level of assessment for Lake County of 32.42% as determined by the Illinois Department of Revenue.

As to the appellant's appraisal report, the board of review noted that two of the appraisal sales were "short" sales and one was a "foreclosure." All five of the comparables in the sales comparison approach to value were located from 1.14 to 3.25-miles from the subject property. Additionally, comparables #2 and #4 were much older dwellings than the subject and the appraiser made no adjustment for the difference and failed to discuss why no adjustment was warranted. Four of the five comparables have significantly smaller lot sizes when compared to the subject. There were also substantial differences between the subject and several of the comparables in living area size and/or basement size.

In support of its contention of the correct assessment the board of review submitted information on three comparables sales located from .70 to .96 of a mile from the subject property and two comparables were within the "immediate assessment neighborhood." Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, counsel for the appellant noted that the board of review's submission consists of raw/unadjusted comparable sales. Additionally, in reliance upon the Multiple Listing Service data

¹ The assessing officials report the subject is recorded as having an unfinished basement, however, the appellant's appraiser reported a 70% finished basement for the subject dwelling.

sheets, board of review comparables #1 and #2 reportedly contain 7,500 square feet and 4,400 square feet of living area rather than 4,578 square feet and 2,944 square feet of living area, respectively, as reported by the board of review. Counsel also noted differences in lot size when compared to the subject. Additionally, board of review comparable #3 has a sale date in April 2013, significantly beyond the valuation date at issue of January 1, 2011. Finally, based upon Google Maps "driving directions," the appellant's counsel contends that the board of review's comparables are actually from 1.9 to 2.4-miles from the subject property.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Property Tax Appeal Board has given reduced weight to the board of review's comparable sales as two of the comparables have lot sizes of 2.79 and 4.19-acres of land area each and the presentation of evidence does not adjust for this difference. In contrast, the appellant's appraiser had some smaller parcels than the subject and adjusted those properties upward by \$100,000 for this difference and also had two properties that were more similar in lot size to the subject. The Board also finds that board of review comparable #2 is significantly smaller than the subject dwelling and the sale of comparable #3 occurred significantly after the valuation date at issue.

The appellant's appraiser made what appear to be logical and consistent adjustments to the comparable sales for differences from the subject. The sales occurred in 2010 and thus present a valid basis for opining the subject's market value. Moreover, the Board finds that Public Act 96-1083 amended the Property Tax Code adding sections 1-23 and 16-183 (35 ILCS 200/1-23 & 16-183), effective July 16, 2010.

Section 1-23 of the Property Tax Code provides:

Compulsory sale. "Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete.

Section 16-183 provides:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.

The Board finds the effective date of these statutes is applicable to assessment date at issue, January 1, 2011.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant with a opinion of market value of \$800,000 as of January 1, 2011. The subject's assessment reflects a market value of \$950,965 or \$203.81 per square foot of living area, including land, which is above the appraised value. The Board finds the subject property had a market value of \$800,000 as of the assessment date at issue. Since market value has been established the 2011 three year average median level of assessments for Lake County of 32.42% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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. Cuit

Chairman

K. L. Fern

Member

Tracy 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 22, 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.