

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Mark Gutkovsky
DOCKET NO.: 04-21446.001-R-1
PARCEL NO.: 10-15-218-054

The parties of record before the Property Tax Appeal Board (hereinafter PTAB) are Mark Gutkovsky, the appellant, by Attorney David Dunkin with the law firm of Arnstein & Lehr LLP in Chicago and the Cook County Board of Review.

The subject property consists of a land parcel improved with a 45-year old, two-story, frame and masonry, single-family dwelling. Amenities include a full basement, two bathrooms, and a two-car garage.

The appellant, via counsel, argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant submitted a uniform residential appraisal report of the subject property with an effective date of January 7, 2005. The appraiser developed one of the traditional approaches to value after inspecting the subject property. Under the sales comparison approach to value, the appraiser estimated a market value for the subject of \$374,500. The appraiser calculated the subject's improvement size at 1,684 square feet of living area with building sketches, detailed calculations, and exterior photographs to support same. The appraiser utilized three sales comparables that sold from March, 2004, through July, 2004, for

(Continued on Next Page)

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 Cook County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$	6,789
IMPR.:	\$	30,624
TOTAL:	\$	37,413

Subject only to the State multiplier as applicable.

PTAB/KPP

prices that ranged from \$360,000 to \$370,000, or from \$250.35 to \$284.14 per square foot. The properties are improved with a masonry, single-family dwelling. They range in age from 46 to 57 years and in size from 1,267 to 1,442 square feet. After making adjustments to the properties, the appraiser estimated the subject's market value at \$374,500.

An ancillary issue was the size of the subject's improvement and land. The appellant's evidence comprising a uniform residential appraisal reflected 1,684 square feet of living area along with building sketches, a calculation breakdown of square footage, as well as photographs based upon the appraiser's inspection. Further, the appraiser calculated the subject's land size at 8,391 square feet. At hearing, appellant's attorney stated that the appraiser and the appellant conveyed to the attorney that the photographs accurately depict that the second-story, rear portion of the house, which does not cover the first floor's footprint.

In contrast, the board of review submitted a property characteristic printout reflecting 2,515 square feet of living area and 7,380 square feet of land area. At hearing, the board's representative questioned the appraiser's rectangular diagram of the subject's improvement. The board of review failed to submit a copy of the subject's property record card.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$43,450 for tax year 2004 reflected an improvement assessment of \$36,661 or \$14.58 per square foot using 2,515 square feet of living area. The subject's assessment reflects a market value of \$424,924 for tax year 2004 using the three-year median level of assessment for Class 2, residential property as determined by the Illinois Department of Revenue of 9.99% for tax year 2004.

Within this appeal, the board of review failed to proffer any market data to address the appellant's market value argument. Instead, the board of review submitted four equity comparables. The properties were improved with a multi-level, frame and masonry, single-family dwelling. They ranged: in age from 39 to 47 years; in size from 1,609 to 1,920 square feet of living area; and in improvement assessments from \$18.50 to \$19.68 per square foot. As a result of its analysis, the board requested confirmation of the subject's assessment.

After considering the testimony and reviewing the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may

consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code 1910.65(c). Having considered the evidence presented, the PTAB concludes that the evidence indicates a reduction is warranted.

An initial issue raised in the parties' pleadings was the improvement and land size of the subject. The PTAB finds that the best evidence of improvement and land size was found in the appellant's appraisal. Therefore, the PTAB finds that the subject's improvement size is 1,684 square feet of living area with a land size of 7,391 square feet.

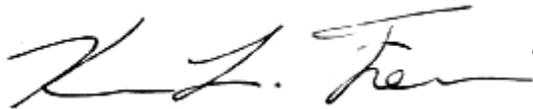
In determining the fair market value of the subject property, the PTAB finds the best evidence to be the appellant's appraisal. The appellant's appraiser utilized the sales comparison approach to value in determining the subject's market value. The PTAB finds this appraisal to be persuasive for the appraiser personally inspected the subject property and utilized market data in the sales comparison approach while providing sufficient detail regarding each sale as well as adjustments where necessary. The PTAB further finds that the board of review failed to address the appellant's market value argument in the tax year at issue.

Therefore, the PTAB finds that the subject property contained a market value of \$374,500. Since the market value of the subject has been established, the three-year median level of assessment as established by the Illinois Department of Revenue for Cook County Class 2, residential property of 9.99% will apply. In applying this level of assessment to the subject, the total assessed value is \$37,413, while the subject's current total assessed value is above this amount at \$43,450. Therefore, the PTAB finds that a reduction 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.



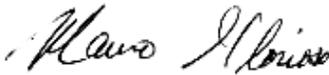
Chairman



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: July 28, 2009



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.