

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Donald Andrews
DOCKET NO.: 04-24047.001-R-1
PARCEL NO.: 04-24-102-038-0000

The parties of record before the Property Tax Appeal Board are Donald Andrews, the appellant, by attorneys Allen Lefkovitz and Fredrick Richards III of Allen A. Lefkovitz & Associates P.C., Chicago, and the Cook County Board of Review.

The subject property consists of a 41,208 square foot parcel improved with 47-year-old, one-story style single-family dwelling of frame and masonry construction containing 2,820 square feet of living area located in Northfield Township, Cook County. The subject dwelling features amenities such as two full baths, one half-bath, a basement, air conditioning, two fireplaces and a two-car garage.

The appellant, through counsel, appeared before the Property Tax Appeal Board claiming the subject's fair market value is not reflected in its assessment. In support of this argument, the appellant offered an appraisal prepared by Bowen Schumacher of Schumacher Associates. The report indicates that Mr. Schumacher is a State of Illinois certified appraiser. The appraiser was not at the hearing to testify. To estimate a fair market value of \$775,000 for the subject, the appraiser developed the sales comparison approach to value suggesting the cost and income approaches to value are not applicable for the subject.

The sales of three properties were utilized by the appraiser to establish a value via the sales comparison approach. These properties consist of one-story style single-family dwellings of frame and masonry construction from 44 to 54 years old. All of the comparable dwellings contain two full baths, fireplaces, air conditioning and garages, two also have basements. The comparables range in size from 1,310 to 2,750 square feet of living area and are sited on parcels ranging from 10,559 to 45,084 square feet. The comparables sold from June 2004 to March 2005 for prices ranging from \$635,000 to \$785,000. Typical

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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:	\$	24,724
IMPR.:	\$	52,699
TOTAL:	\$	77,423

Subject only to the State multiplier as applicable.

adjustments were made to the comparables for improvement and parcel size, location, and various amenities. After adjustments the report indicated an adjusted sale price range for the comparables from \$771,500 to \$784,000. After analysis, the appraisal reported a market value for the subject of \$775,000 as of March 2, 2005. A copy of the subject's 2004 board of review final decision was also included. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$88,346 was disclosed. The subject's total assessment translates to a market value of \$884,344 when the 2004 Illinois Department of Revenue's three-year median level of assessments of 9.99% is applied. In support of the subject's assessment, the board of review offered property characteristic sheets and a spreadsheet detailing four suggested equity comparable properties located in the same coded assessment neighborhood as the subject. The comparables consist of one-story style single-family dwellings of frame and masonry construction ranging from 38 to 47 years old. All of the comparables contain two full baths, basements, air conditioning, fireplaces and garages. These properties range in size from 2,346 to 2,829 square feet of living area and have improvement assessments ranging from \$23.36 to \$46.43 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject property's assessment.

After hearing the testimony and considering the evidence, the Property Tax Appeal Board finds it has jurisdiction over the parties and the subject matter of this appeal. The issue before the Property Tax Appeal Board is the subject's fair market value. Next, 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, 728 N.E.2d 1256 (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. Section 1910.65 *The Official Rules of the Property Tax Appeal Board* (86 Ill.Adm.Code §1910.65(c)). Having heard the testimony and considered the evidence, the Board concludes that the appellant has satisfied this burden.

The Property Tax Appeal Board accords the appellant's appraisal substantial weight and finds it is the best evidence of the subject's fair market value in the record. The Board finds the appraiser prepared a sales comparison approach to value utilizing sales with closing dates proximate to the date at issue.

Further, the Property Tax Appeal Board finds that appraiser utilized typical and appropriate adjustments to the comparables to conclude a market value for the subject of \$775,000.

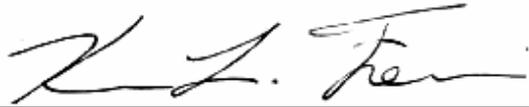
The Property Tax Appeal Board finds that the board of review failed to refute the appellant's contention the appraiser's concluded value is representative of the subject's fair market value as of January 1, 2004. In the instant case, the board of review did not address the appellant's argument that the subject's fair market value is not reflected in its assessment. Consequently, the Board places minimal weight on the board of review's evidence and testimony.

Based on the foregoing analysis, the Property Tax Appeal Board finds the subject property had a market value of \$775,000, as of January 1, 2004. Since the fair market value of the subject has been established, the Board finds that Illinois Department of Revenue 2004 three-year median level of assessment of 9.99% shall apply and a reduction is accordingly 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: December 7, 2007



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.