

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Barry S. Engel and Cook Island a/t/u the DMF Trust
DOCKET NO.: 04-26980.001-R-1
PARCEL NO.: 05-35-201-007

The parties of record before the Property Tax Appeal Board (hereinafter PTAB) are Barry S. Engel and Cook Island a/t/u the DMF Trust, the appellant, by attorney Eugene P. Griffin with the law firm of Eugene L. Griffin and Associates in Chicago and the Cook County Board of Review.

The subject property consists of a 37,203 square foot parcel of land containing a 40-year old, two and part three-story, stone, single-family dwelling. The improvement contains 6,605 square feet of living area, six and two-half baths, a full, finished basement, air conditioning, and two fireplaces. 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 an appraisal of the subject property with an effective date of January 1, 2004. The appraiser used the sales comparison approach to value to arrive at market value of \$3,000,000.

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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:	\$ 69,941
IMPR.:	\$229,759
TOTAL:	\$299,700

Subject only to the State multiplier as applicable.

PTAB/0491JBV

Under the sales comparison approach to value, the appraiser utilized six suggested comparable sales located in the same market as the subject. The comparables consist of two to three-story, stone, frame or masonry, single-family dwelling. The buildings range in age from five to 107 years and in size from 2,963 to 6,839 square feet of living area. The properties sold from June 2002 to January 2005 for prices ranging from \$2,100,000 to \$2,985,000. The appraiser made several adjustments to the comparables. Based on this, the appraiser determined the subject property's value using the sales comparison approach to be \$3,000,000, rounded.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$456,000. The subject's assessment reflects a market value of \$2,850,000 using the level of assessment of 16% for Class 2 property as contained in the Cook County Real Property Assessment Classification Ordinance. The board of review also submitted copies of the property characteristic cards for the subject property and three suggested comparables with all the properties located within the subject's neighborhood. The board's properties contain a two-story, masonry, single-family dwelling with between four and two-half five and three-half baths. The improvements range: in age from 70 to 81 years; in size from 6,747 to 9,618 square feet of living area; and in improvement assessment from \$58.60 to \$77.45 per square foot of living area. The properties contain one to four fireplaces, a full basement with two finished, and, for one property, air conditioning. In addition, the board submitted copies of its file from the board of review's level appeal. As a result of its analysis, the board requested confirmation of the subject's assessment.

After considering the evidence and reviewing the record, 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, 331Ill.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.

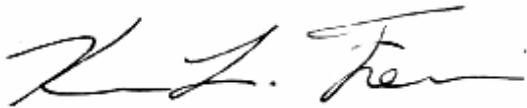
In determining the fair market value of the subject property, the PTAB finds the best evidence to be the appellant's appraisal. The appellant's appraiser utilized the sales comparison approach to value in determining the subject's market value. The PTAB finds this appraisal to be persuasive for the appraiser: has experience in appraising; personally inspected the subject property and reviewed the property's history; and lastly, used similar properties in the sales comparison approach while providing sufficient detail regarding each sale as well as adjustments that were necessary. The PTAB gives little weight to the board of review's comparables as no sale information was provided.

Therefore, the PTAB finds that the subject property contained a market value of \$3,000,000 as of the January 1, 2004 assessment date. Since the market value of the subject has been established, the 2004 median level of assessment for Cook County Class 2 property of 9.99% will apply. In applying this level of assessment to the subject, the total assessed value is \$299,700, while the subject's current total assessed value is above this amount at \$456,000. 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: December 7, 2007



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

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"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.