

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: David Sherman
DOCKET NO.: 04-27159.001-R-2
PARCEL NO.: 05-06-403-029-0000

The parties of record before the Property Tax Appeal Board (PTAB) are Davis Sherman the appellant, by attorney Richard D. Worssek of Worssek & Vihon, P.C. of Chicago and the Cook County Board of Review (board) by Assistant State's Attorney Aaron R. Bilton and John J. Coyne; and New Trier Township High School District #203 and Glencoe School District #35, the intervenor, by attorney Scott E. Longstreet of Robbins Schwartz Nicholas Lifton & Taylor Ltd. of Chicago.

The subject property consists of a four-year-old, two-story single-family dwelling of masonry construction containing 6,748 square feet of living area and located in New Trier Township, Cook County. The residence contains four full and two half bathrooms, a finished basement, air conditioning, fireplaces and three-car garage space.

The appellant's counsel appeared before the PTAB and submitted evidence claiming unequal treatment in the assessment process as the basis of the appeal. In support of this argument, the appellant offered eight suggested comparable properties located within a few blocks of the subject. These properties consist of two-story single-family dwellings of masonry, stucco, frame or frame and masonry construction and range in age from one to 13 years. The comparables have two, four, five or six bathrooms with half-baths and full or partial basements, four finished. All homes are air-conditioned and have fireplaces. All sites have two, three or four-car garages. The comparables contain between 5,032 and 8,426 square feet of living area and have improvement assessments ranging from \$97,969 to \$145,699 or from \$17.29 to \$25.03 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's assessment.

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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: \$ 81,462
IMPR. \$258,538
TOTAL: \$340,000

Subject only to the State multiplier as applicable.

PTAB/TMcG.

In rebuttal to the appellant's comparables, both the State's Attorney and the Intervenor argued that uniformity requires that similar properties be similarly assessed. The Intervenor argued that six of eight of the appellant's comparables differ in size from 726 to 1,715 square feet. Of the two one is not of the same construction and that property sold for \$1,100,000 in 2001 which is well below the subject's 2003 purchase price of \$3,750,000. The market shows they are not comparable.

The board submitted its "Board of Review Notes on Appeal" wherein the subject's final improvement assessment of \$284,572, or \$43.65 per square foot of living area, was disclosed. In support of the subject's assessment, the board offered three suggested comparable properties located within a quarter mile to one and one half miles of the subject. The comparables consist of two-story single-family dwellings of masonry construction and range in age from one to six years. The comparables contain three or six full bathrooms with half baths, full finished basements; all have air conditioning, fireplaces and three-car garages. The comparables contain between 5,340 and 5,693 square feet of living area and have improvement assessments of between \$252,616 and \$294,959 or from \$42.19 and \$55.24 per square foot of living area. Based on this evidence, the board requested confirmation of the subject property's assessment.

In rebuttal, the appellant's attorney submitted a map of New Trier Township disclosing the location of the subject and each of the submitted comparables. The board's comparable one is located in Winnetka and not Glencoe.

The board noted that the location of the subject on the appellant's map is incorrect. It is about two blocks south of the designated location.

The Intervenor's counsel submitted evidence claiming unequal treatment in the assessment process as the basis of the appeal. In support of this argument, the Intervenor offered 15 suggested comparable properties, especially comparables one, two, three, and thirteen and fourteen, located within a quarter mile to four miles of the subject. These properties consist of two-story single-family dwellings of masonry construction and range in age from one to 88 years. The comparables have three, four, five or six bathrooms with half-baths and full or partial basements, eleven finished. Two homes are not air-conditioned and all have fireplaces. All sites have between one and five-car garages. The comparables contain between 4,446 and 9,692 square feet of living area and have improvement assessments ranging from \$237,938 to \$744,913 or from \$41.79 to \$77.45 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's assessment.

In rebuttal to the Intervenor's comparables, the appellant using the rebuttal map disclosed a seven of the comparables are located not in Glencoe but in Wilmette and Winnetka. Finally, the appellant using the rebuttal map disclosed that nine of the 17 comparables are lakefront properties. The subject does not have a lakeshore frontage.

After hearing the testimony and considering the evidence, the PTAB finds that it has jurisdiction over the parties and the subject matter of this appeal. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the PTAB finds the appellant has overcome this burden.

A total of 26 comparables were submitted into evidence as properties similar to the subject. The PTAB finds the comparables are to some extent similar to the subject but with some considerable differences in age, construction, living area and location. The subject's recent purchase price of \$3,750,000 places the subject in a superior position. The PTAB finds the appellant's comparable eight and the Intervenor's comparables #13 and #14 are the comparables more similar to the subject. These three properties have improvement assessments of between \$19.67 and \$42.85 per square foot of living area. The subject's per square foot improvement assessment of \$43.65 is above this range of properties. The PTAB gives less weight to the remaining 25 comparables because they are less similar to the subject in construction, age, location or living area. After considering the recent purchase price and the differences in the suggested comparables when compared to the subject property, the PTAB finds the evidence is sufficient to effect a change in the subject's current assessment.

As a result of this analysis, the Property Tax Appeal Board finds the appellant has adequately demonstrated that the subject dwelling was inequitably assessed by clear and convincing evidence and 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.



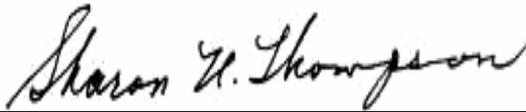
Chairman



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: April 1, 2008



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.