



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

APPELLANT: John T. O'Connell
DOCKET NO.: 05-26784.001-R-1
PARCEL NO.: 18-18-402-008-0000

The parties of record before the Property Tax Appeal Board are John T. O'Connell, the appellant(s), by attorney Patrick J. Cullerton, of Thompson Coburn LLP in Chicago; and the Cook 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 Cook County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$15,387
IMPR.: \$82,313
TOTAL: \$97,700

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 22,628 square foot parcel of land improved with a 15 year-old, two-story, stucco, single-family dwelling containing four and one-half baths, four fireplaces, air conditioning, and a full, finished basement. The appellant argued both unequal treatment in the assessment process and that the market value of the subject property is not accurately reflected in the property's assessed valuation as the bases of this appeal.

In support of the market value argument, the appellant submitted a copy of an appraisal authored by John McMahon of McMahon, Baldwin & Associates. The report indicates McMahon is a State of Illinois certified general appraiser. The appraisal indicated the subject has an estimated market value of \$1,000,000 as of June 13, 2003.

In support of the equity argument, the appellant, via counsel, submitted information on a total of four properties suggested as comparable and located within the subject's neighborhood. The properties contain are described as two-story, masonry, single-family dwellings with between three and one-half and four and three-half baths, air conditioning, one to three fireplaces, and a full basement with two finished. The properties range in age from nine to 18 years; in size from 5,454 to 6,176 square feet of living area; and in improvement assessments from \$14.79 to \$17.55 per square foot of living area. The appellant also submitted colored photographs of the subject property and the suggested comparables. Based on the evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$161,263 and the improvement assessment was \$145,876 or \$19.87 per square foot of living area when using 7,342 square feet. This assessment reflects a market value of \$1,650,594 using the Department of Revenue's 2005 three year median level of assessment of 9.77% for Class 2 property. The board also submitted a grid analysis listing characteristics and assessment data for three properties suggested as comparable to the subject. These properties are two-story, masonry, single-family dwellings containing between three and two-half and four and three-half baths, air conditioning, two or three fireplaces, and a full basement with one finished. The properties range: in age from four to 11 years; in size from 7,345 to 7,965 square feet of living area; and in improvement assessment from \$20.82 to \$24.12 per square foot of living area. As a result of its analysis, the board requested confirmation of the subject's assessment.

At hearing, the issue of the subject's square feet of living area was raised. The appraisal indicates the subject contains 6,309 square feet of living area and the county's documentation indicates the subject contains 7,342 square feet of living area. The appellant called a witness, Keith Lewis, an appraiser who inspected the property.

Mr. Lewis testified he has been an Illinois licensed general real estate appraiser since 2003. Lewis testified that he inspected the subject on September 11, 2008. He stated he measured the improvement and determined a size of 6,189 square feet of living area for the subject. The appellant presented Appellant's Exhibit #3, a building sketch of the subject property. Mr. Lewis testified he created this drawing based on these measurements.

The appellant also presented Appellant's Exhibit #4, a grid analysis of the appellant's suggested comparables and the subject property with the square footage listed as 6,189 square feet. The analysis indicates an improvement assessment for the subject of \$23.57 per square foot of living area. Also included are black and white photographs of the suggested comparables.

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.

As to the improvement's size, the PTAB finds that the appellant has submitted sufficient evidence to establish that the subject contains 6,189 square feet of living area.

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 two of traditional approaches 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 reviewed the property's history; estimated a highest and best use for the subject property; utilized appropriate market data in undertaking the approaches to value; 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 the information provided did not include any market data.

Therefore, the PTAB finds that the subject property had a market value of \$1,000,000 for the 2005 assessment year. Since the market value of the subject has been established, the Department of Revenue 2005 three year median level of assessment of 9.77% for Class 2 will apply. In applying this level of assessment to the subject, the total assessed value is \$97,700 while the subject's current total assessed value is above this amount. Therefore, the PTAB finds that a reduction is warranted. The PTAB further finds that once reduced, the subject property is equitably assessed.

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

Frank A. Huff

Member

Mario Morris

Member

Shawn R. Lerbis

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 20, 2010

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.