



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

APPELLANT: Robert Kasperek  
DOCKET NO.: 06-24514.001-R-1  
PARCEL NO.: 03-27-312-003-0000

The parties of record before the Property Tax Appeal Board are Robert Kasperek, the appellant(s), by attorney Scott Shudnow, of Shudnow & Shudnow, Ltd. 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:** \$6,245  
**IMPR.:** \$44,434  
**TOTAL:** \$50,669

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 11,152 square foot parcel of land improved with a three-year old, two-story, frame and masonry, single-family dwelling containing 4,074 square feet of living area, three and one-half baths, two fireplaces and a full, unfinished basement. The appellant 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 argues that the subject was purchased in March 2004 for \$250,000 for demolition of the improvement; the improvement was demolished on September 1, 2004 and construction began on a new improvement. The appellant asserts that the construction costs for the new improvement are the best indication of value for the subject. The appellant asserts the total cost for construction was \$191,000, but that this amount does not include the contractor costs or, as stated in the petition, additional fees of \$17,000 for non-compensated labor.

The appellant submitted several documents to support his position. These documents are: a copy of the demolition permit; copies of affidavits from the appellant and two neighbors stating that the property was demolished in September 2004 and construction completed on a new improvement in November 2005; a copy of a certificate of occupancy for the subject dated November 11, 2005; a copy of the closing statement for the purchase of the property prior to demolition in March 2004 for \$250,000; a copy of an affidavit from the appellant indicating he is the president of the company that built the subject and an itemized list of costs for the improvement at \$191,900; and a copy of the 2005 three year median level of assessment for Cook County property. Based on this analysis, the appellant requests a reduction in the subject's assessed value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$62,465 was disclosed. This assessment reflects a market value of \$617,243 using the Department of Revenue's 2006 three year median of assessment of 10.12% for Cook County, Class 2 property. In support of the subject's assessment, the board of review presented descriptions and assessment information on a total of three properties suggested as comparable and located within the subject's neighborhood. The properties are described as two-story, masonry, single-family dwellings with three and one-half baths, air conditioning, a fireplace, and a full, unfinished basement. The properties range: in age from one to seven years; in size from 3,778 to 4,122 square feet of living area; and in improvement assessment from \$13.85 to \$14.63 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a letter arguing that the board of review did not address the market value argument. He further reiterated the best evidence of market value was the purchase price of the land and the costs to construct the improvement.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds a reduction in the subject's assessment is warranted.

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 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2<sup>nd</sup> 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 market value evidence indicates a reduction is warranted.

In determining the subject's market value, the PTAB finds the best evidence of the subject's market value to be the purchase price for the land and the construction costs. The PTAB finds the subject property was purchased for its land value in March 2004 for \$250,000. The remaining evidence in its entirety shows that the subject was built for \$191,900 in construction costs with an additional \$17,000 in non-compensated labor for a total cost of \$208,900. Because the appellant was the general contractor on the project, additional costs of 20% are added to the construction price to account for these additional fees. Therefore, the PTAB finds the subject market value to be \$500,680. Since market value has been determined, the Illinois Department of Revenue 2006 three year median level of assessment for class 2 property of 10.12% shall apply 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.

*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: June 24, 2011

*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.