

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Thomas J. Witt
DOCKET NO.: 06-31488.001-R-1
PARCEL NO.: 14-30-218-012

The parties of record before the Property Tax Appeal Board (PTAB) are Thomas J. Witt, the appellant, by attorney Allen A. Lefkowitz in Chicago and the Cook County Board of Review.

The subject property consists of a 3,125 square foot parcel of land improved with a one-year old, two-story, masonry, single-family dwelling containing 2,778 square feet of living area, three and two-half baths, three fireplaces, and a full, finished basement. The appellant, via counsel, argued both the fair market value of the subject was not accurately reflected in its assessed value and unequal treatment in the assessment process as the bases of the appeal.

In support of the market value argument, the appellant submitted an appraisal authored by Tom Whitt of Mountain Residential Appraisal. The report indicates Whitt is a State of Illinois certified general appraiser. The appraiser indicated the subject has an estimated market value of \$1,200,000 as of February 22, 2007. The appraisal report utilized the cost and sales comparison approach to value to estimate the market value for the subject property.

Under the cost approach to value, the appraisal indicates the land value was derived through market abstraction to arrive at a site value of \$550,000. The appraiser used Marshall and Swift to develop a replacement cost new for the improvement of \$582,500. The age-life method was used to arrive at depreciation. Site improvements were then added to the land and building value to arrive at a total estimate of value under the cost approach of \$1,152,500.

Under the sales comparison approach, the appraiser analyzed the sales of three residential dwellings located within three blocks from the subject. The comparables are two-story, masonry dwellings containing from 2,800 to 2,913 square feet of living area. The comparables sold from October 2005 to July 2006 for prices ranging from \$1,250,000 to \$1,150,000, or from \$392.00 to

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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: \$ 12,500
IMPR.: \$ 64,166
TOTAL: \$ 76,666

Subject only to the State multiplier as applicable.

PTAB/JBV

\$446.00 per square foot of living area, including land. The appraiser adjusted each of the comparables for pertinent factors. Based on the similarities and difference of the comparables when compared to the subject, the appraiser estimated a value for the subject of \$1,200,000. The appraisal examined a fourth comparables currently being marketed for sale and located within one block of the subject to support the final estimate of value. This comparable is a two-story, masonry dwelling containing 2,800 square feet of living area and on the market for \$1,299,000.

In reconciling the approaches to value, the appraisal opined there was sufficient market activity for the sales comparison approach to provide a good indication of value. The cost approach was given secondary support.

In support of the equity argument, the appellant submitted descriptions and assessment data on a total of six properties suggested as comparable and located within the subject's neighborhood. The properties are described as two-story, masonry, single-family dwellings with two and one-half or three baths, three fireplaces, air conditioning, and a partial or full basement with five finished. The properties range: in age from months to four years; in size from 2,800 to 3,640 square feet of living area; and in improvement assessments from \$22.67 to \$45.90 per square foot of living area. The land ranges in size from 3,000 to 3,125 square feet and has land assessments from \$3.95 to \$3.99 per square foot. 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 \$96,723 was disclosed. The subject's final assessment reflects a fair market value of \$604,519, when the Cook County Real Property Assessment Classification Ordinance level of assessments of 16% for Class 2 properties is applied. The board of review applied a 58.9% factor to arrive at this final assessment due to new construction time. The improvement has an assessment of \$75,099 or \$27.03 per square foot while the land assessment is \$21,624 or \$6.95 per square foot.

The board also submitted descriptions and assessment information on a total of four properties suggested as comparable and located in the subject's neighborhood. The properties consist of two-story, masonry or frame, single-family dwellings with one and one-half, three and one-half or three and two-half baths, air conditioning, and a full basement with three finished. In addition, three properties contained one, two, or three fireplaces. The properties range: in age from one to 103 years; in size from 1,120 to 3,290 square feet of living area; and in improvement assessments from \$34.89 to \$47.27 per square foot of living area. The lots range in size from 3,125 to 5,362 square feet and have land assessments from \$3.56 to \$3.99 per square foot. Three of the properties sold from May 2003 to October 2005 for prices ranging from \$1,345,000 to \$1,595,000 or from \$477.80 to \$531.31 per square foot of living area, including land. Based

on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a colored map of indicating the location of both the appellant's and the board of review's comparables and a grid listing the data for them.

At hearing, the appellant's attorney argued that the subject property received a partial assessment from the county because the building was under construction for half of the year. He argued that this partial assessment should be applied to the market value as found in the appraisal and to ensure that any assessment is equitable when compared to other similar properties in the neighborhood.

As to the land, Mr. Lefkovitz indicated there was reduction to the value of the land in 2007 by the assessor. He argued that the land should be assessed in 2006 at the same value it was assessed in 2007.

The board of review's representative, Lena Henderson, argued that the Cook County Ordinance level of assessment of 16% should apply to appraisals while the median level of assessment should apply to actual sales. She testified that the appraisal is the best indicator of the value of the subject property for the 2006 assessment year.

As to the land, Ms. Henderson has no objection to reducing the value of the land to reflect the lower value placed on the land for 2007 by the assessor's office.

After reviewing the record and considering the testimony, 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, 331 Ill.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 cost and sales comparison approaches 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; 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 was assessment information and unadjusted raw sales data.

Therefore, the PTAB finds that the subject property contained a market value of \$1,200,000 for the 2006 assessment year. The county applied a 58.9% partial assessment to the value of the subject improvement and therefore, PTAB shall also. Removing the value of the land, which, based on uniformity, would be assessed at \$12,500 for a market value of \$123,518 yields a market value for the improvement of \$1,076,482. After the partial assessment is applied, the improvement's market value is \$634,048. Since the market value of the subject has been established, the Department of Revenue 2006 median level of assessment for Cook County Class 2 property of 10.12% will apply. In applying this level of assessment to the subject, the total assessed value is \$76,666 while the subject's current total assessed value is above this amount. Therefore, the PTAB finds that a reduction is warranted. This reduction also establishes an equitable assessment for the subject.

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.



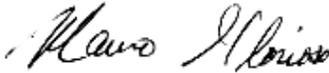
Chairman



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: July 28, 2009



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.