



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

APPELLANT: Jerry & Kathy Nosal
DOCKET NO.: 07-20752.001-R-1
PARCEL NO.: 09-27-402-031-0000

The parties of record before the Property Tax Appeal Board are Jerry & Kathy Nosal, the appellants; and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$ 8,256
IMPR.: \$ 57,860
TOTAL: \$ 66,116

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 6,584 square foot parcel of land improved with a two-story, masonry, single-family dwelling containing amenities such as: three full and one half-baths, a full basement, one fireplace, and a one-car garage.

The appellants raised the following arguments: first, that the market value of the subject property is not accurately reflected in the property's assessed valuation; and second, that there was unequal treatment in the assessment process; and lastly, that the improvement's size and age were in dispute as the bases of this appeal.

As to the improvement's size and age, the appellants submitted a copy of the subject's appraisal, the appraiser opined that the subject had an actual age of 8 years and a size of 2,455 square feet of living area. In support of this argument, a copy of a residential appraisal report was submitted reflecting

photographs, building sketches, and size calculations. However, there was neither explanation of the improvement's age opinion nor evidence of when the appraiser personally inspected the property. Further, Mrs. Nosal testified that she and her husband undertook renovation of the subject's improvement eight years prior to the assessment date at issue. She stated that she was told when undertaking this renovation, that if three original walls from the original structure remained that the subject's age would continue; therefore, she asserted that the improvement's age was 51 years. Moreover, the appellant testified that she believed that the improvement's size was 2,630 square feet of living area. In contrast, the board of review submitted a grid of suggested comparables with descriptive data of the subject. The data indicated that the subject's age was 51 years and that the improvement contained 2,630 square feet of living area. Lastly, at hearing, the board of review's representative testified that leaving three of the subject's original walls during renovation did not change the age of the subject.

In support of the market value argument, the appellants submitted a residential appraisal report signed by appraiser, Robert Kelly, with an effective date of March 30, 2008. The appraiser developed two approaches to value: the cost approach and the sales comparison approach to value. He opined a market value for the subject of \$740,000. The appraiser calculated the subject's improvement size at 2,455 square feet of living area with building sketches and calculations to support same as well as an age of 8 years without further explanation.

In the cost approach, the appraiser opined a site value of \$400,000. The replacement cost new was estimated at \$380,186 using a cost manual. Physical depreciation was estimated at \$34,559 reflecting a depreciated cost of the improvements at \$345,627. A value of \$757,627 was estimated under the cost approach.

In the sales comparison approach, the appraiser utilized four sales comparables as well as two unsold properties from a residential multiple listing service. The sales occurred from August, 2007, through March, 2008, for prices that ranged from \$692,000 to \$890,000, or from \$223.73 to \$317.86 per square foot. The properties are improved with a two-story, single-family dwelling with a full basement and a two-car garage. They range in age from 1 to 78 years and in size from 2,750 to 3,112 square feet. After making adjustments to the properties, the appraiser estimated the subject's market value at \$740,000. In reconciliation, the appraiser placed emphasis on the sales comparison approach to value reflecting a final value estimate for the subject of \$740,000.

In support of the equity argument, the appellants' submitted copies of descriptive and assessment data for four suggested comparables located within a one-mile radius of the subject. The

properties were improved with a two-story, masonry dwelling. They ranged: in age from 1 to 57 years; in size from 2,593 to 4,540 square feet of living area; and in improvement assessments from \$11.74 to \$16.40 per square foot. Amenities included basement and garage area as well as one fireplace, therein. At hearing, the appellant testified that properties #1 and #3 were newly constructed buildings finished in 2008; therefore, the improvement assessments were partial assessments.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$66,116 for tax year 2007. The board of review submitted a total of four equity comparables. Three of the properties were identified as located from a four-block distance to a subarea of the subject. No locational data was submitted for property #3. The properties were improved with a two-story, masonry, single-family dwelling. They ranged: in age from 48 to 53 years; in size from 2,619 to 2,746 square feet of living area; and in improvement assessments from \$23.38 to \$24.49 per square foot. Amenities included a full basement and a two-car garage, while only one property contained a fireplace. As a result of its analysis, the board requested confirmation of the subject's assessment.

In rebuttal, the appellant testified that she reviewed the board of review's suggested comparables. She stated that the board's property #2 was a newly constructed building, which was demolished in 2007 with construction completed sometime in 2008 based upon her observations. Further, she stated that properties #1, #3, and #4 are located from three blocks to a one-mile distance from the subject. Lastly, she indicated that the board's property #4 was similar to her home.

After considering the testimony and reviewing the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

An initial issue raised in the parties' pleadings was the improvement size and age of the subject. The appellants' appraiser estimated an improvement size of 2,455 square feet and an age of 8 years without further explanation, while the board of review's evidence reflected 2,630 square feet of living area and an age of 51 years. The appellant's testimony further indicated that three of the building's original walls remained during renovation and that the subject's size was still 2,630 square feet of living area. The PTAB finds that the best evidence of size and age was the appellant's testimony supported by the board of review's printouts. Therefore, the subject's improvement contains 2,630 square feet of area and an age of 51 years.

The appellant contends unequal treatment in the subject's improvement assessment as the basis of the appeal. 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). After an analysis of the assessment data, the Board finds the appellant has not met this burden.

In total, the parties submitted eight equity comparables. The Board finds that comparable #4 submitted by the appellant as well as comparables #3 and #4 submitted by the board of review are most similar to the subject; therefore, these comparables were accorded most weight in the Board's analysis. These three comparables range from \$16.40 to \$24.49 per square foot of living area. The subject's improvement assessment is \$23.57 per square foot, which falls within the range established by these comparables. Therefore, no reduction in the subject's improvement 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 Board concludes that the evidence indicates a reduction is not warranted.

In determining the fair market value of the subject property, the Board accords diminished weight to the appellants' appraisal. The Board finds this appraisal to be unpersuasive for the appraiser: failed to disclose when he personally inspected the subject property; failed to explain his opinion of the subject's actual age which differed from county records; failed to indicate how he developed the improvement's cost per square foot and/or whether a cost manual was utilized; and utilized two listing service properties that had not sold as market data in developing the sales comparison approach. The PTAB further finds that the board of review failed to address the appellant's market value argument.

Therefore, the Board finds that the evidence does not support a reduction in the subject property's market value.

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.

Donald 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: October 28, 2009

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.