



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

APPELLANT: David Rosen  
DOCKET NO.: 07-20871.001-R-1  
PARCEL NO.: 05-06-403-021-0000

The parties of record before the Property Tax Appeal Board are David Rosen, the appellant, by attorney Mitchell L. Klein, of Schiller Klein PC 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:** \$84,072  
**IMPR.:** \$136,808  
**TOTAL:** \$220,880

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of 33,900 square foot parcel of land improved with a 5,036 square foot frame single-family residence that was built in 2003. The appellant, via counsel, argued that the fair market value of the subject was not accurately reflected in its assessed value.

In support of the market value argument, the appellant submitted an appraisal by Pamela Sonshine of Preferred Appraisal, Inc. The report indicates Sonshine is a State of Illinois certified residential real estate appraiser. The appraiser indicated the subject has an estimated market value of \$2,200,000 as of January 1, 2007. The appraisal report utilized the sales comparison approach and the cost approach to value to estimate the market value for the subject property. The appraisal finds the subject's highest and best use is its current use.

Under the cost approach to value, the appraiser estimated the subject's land value of \$1,200,000 using limited land sales/ tear downs coupled with the abstraction method. The replacement cost

new method was used to determine the cost for the improvement of \$1,053,680. The appraiser depreciated the improvement by \$72,381 for a value of \$981,299. The as-is site value of the improvements of \$50,000 and the land value were added to establish a value under the cost approach of \$2,231,300.

Under the sales comparison approach, the appraiser analyzed the sales of five single-family dwellings located within the subject's market. The properties contain between 3,485 and 5,494 square feet of building area. The comparables sold from March 2006 and December 2006 for prices ranging from \$1,950,000 to \$2,237,500 or from \$396.98 to \$580.72 per square foot of building area, including land. The appraiser adjusted each of the comparables for pertinent factors. Based on the similarities and differences of the comparables when compared to the subject, the appraiser estimated a value for the subject under the sales comparison approach of \$436.85 per square foot of building area, including land or \$2,200,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$278,112 was disclosed. The subject's final assessment reflects a fair market value of \$2,770,040 when applying the 2007 Cook County median level of assessment for Class 2 properties of 10.04%. In support of the subject's assessment, the board of review presented descriptions and assessment information regarding four suggested comparables located within the subject's neighborhood. The properties consist of single-family dwellings that range in size from 5,238 to 6,357 square feet of building area and have assessments that range from \$37.79 to \$54.87 per square feet of living area.

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 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 sales comparison approach and the cost 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; and used similar properties in the sales comparison approach while providing sufficient detail regarding each sale as well as adjustments that were necessary.

Therefore, the PTAB finds the subject had a market value of \$2,200,000 for the 2007 assessment year. Since the market value of this parcel has been established, the 2007 Cook County median level of assessment for Class 2 properties of 10.04% will apply. In applying this level of assessment to the subject, the total assessed value is \$220,880 while the subject's current total assessed value is above this amount. Therefore, the PTAB finds that 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.

*Donald R. Cuit*

Chairman

*K. L. Fern*

Member

*Frank A. Huff*

Member

*Mario Morris*

Member

*J. R.*

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: November 30, 2012

*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.