



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

APPELLANT: David Friedman
DOCKET NO.: 07-20960.001-R-1
PARCEL NO.: 05-07-402-004-0000

The parties of record before the Property Tax Appeal Board are David Friedman, the appellant, by attorney Glenn S. Guttman, of Rieff Schramm Kanter & Guttman 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: \$44,400
IMPR: \$83,610
TOTAL: \$128,010

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is an 18,500 square foot parcel in Glencoe, New Trier Township, Cook County. The parcel is improved with a 2-story dwelling of masonry construction. The dwelling is 9 years old and contains 3,575 square foot of living area¹. Features of the home include a full partially finished basement, central air conditioning, a fireplace and a 2-car garage.

The appellant's appeal is based on unequal treatment in the assessment process and overvaluation. In support of the overvaluation argument, the appellant submitted an appraisal estimating the subject property had a market value of \$1,275,000, or \$356.64 per square foot of living area including land as of July 12, 2008. The appraiser developed the sales comparison approach and the cost approach in estimating the market value of the subject property but gave more weight to the sales comparison approach as he considers it a more reliable indicator of value. The appraiser considered three comparable properties that sold between December 2007 and June 2008, for prices that ranged from \$1,250,000 to \$1,460,000, or \$356.45 to \$429.29 per square foot

¹ The board of review and the appellant claim the subject contains 4,084 square feet of living area. The appraiser claims the subject contains 3,575 square feet of living area and provides a schematic with dimensions to support his claim.

of living area including land. After adjustments, the three comparables reflected market values ranging from \$1,259,100 to \$1,377,900 or \$336.40 to \$429.46 per square foot of living area including land.

In support of the assessment inequity argument, the appellant submitted information on six comparable properties all more than 60 years older than the subject. 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 \$173,249 was disclosed. The subject's assessment reflects a market value of \$1,725,588, or \$482.68 per square foot of living area using the 2007 three-year median level of assessments of 10.04% for Class 2 residential property under the Cook County Real Property Assessment Classification Ordinance (86 Ill.Admin.Code §1910.50(c)(2)).

The board of review presented descriptions and assessment information on two comparable properties, neither of which had recently sold. These comparables consist of 2-story masonry or frame dwellings either 4 or 7 years old. The dwellings contain either 3,919 or 4,871 square feet of living area. Both comparables feature full basements, one of which is finished. Both have central air conditioning, 2 or 3 fireplaces and 3-car garages. These properties have improvement assessments of \$31.55 and \$32.11 per square foot of living area. The only sales data presented by the board of review was a list of parcel numbers, dates of sale and sale amounts for five properties. The sales occurred between 1998 and 2007 for prices ranging from \$422,500 to \$1,565,000. No details or characteristics for the individual properties were presented. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 Property Tax Appeal Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal, the value must be proven 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). Proof of market value may consist of an appraisal of the subject property, a recent sale of the subject property or comparable sales. (86 Ill.Admin.Code 1910.65(c)). After an analysis of the evidence in the record, the Board finds a reduction in the subject's assessment is warranted based on overvaluation.

Initially, the Board finds the best evidence in the record of the size of the subject is the appraiser's estimate of 3,575 square feet of living area which is supported by a schematic diagram with dimensions.

The Board further finds the appellant's appraisal report is the best evidence of the subject's market value in the record. After making various adjustments to the comparable sales, the appraiser estimated a market value of \$1,275,000 for the subject property as of July 12, 2008 or \$356.64 per square foot of living area. The subject's assessment of \$173,249 reflects a market value of \$1,725,588, or \$482.68 per square foot of living area, which is in excess of the market value estimate contained in the appraisal report. The board of review submitted two equity comparables, neither of which were recent sales, and did not sufficiently refute the appellant's market value conclusion contained in the appraisal report. The Board gave little weight to the list of five suggested comparables sales contained in the board of review's submission of evidence, due to lack of detailed description for comparison to the subject. Therefore, the Board finds a reduction is warranted based on overvaluation.

Since market value has been determined the 2007 three-year median level of assessments for Class 2 residential property under the Cook County Real Property Assessment Classification Ordinance of 10.04% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(2)). Therefore, the revised improvement assessment after reduction for overvaluation is \$83,610, or \$23.39 per square foot of living area using the appraiser's size of 3,575 square feet of living area.

The appellant also 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.

The Board finds the comparables submitted by the appellant were all more than 60 years older than the subject and therefore received little weight in the Board's analysis. The Board finds the appellant has failed to prove through clear and convincing evidence that the subject is inequitably assessed, and therefore no further reduction is warranted based on assessment inequity.

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.