FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: James K. Badger
DOCKET NO.: 07-20983.001-R-1
PARCEL NO.: 05-30-302-015-0000

The parties of record before the Property Tax Appeal Board are James K. Badger, the appellant, by attorney T. Swain, of Gould & Ratner 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:	$12,042
IMPR.:	$49,202
TOTAL:	$61,244

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property contains 8,363 square feet of land which is improved with a 2-story dwelling of frame and masonry construction containing 2,924 square feet of living area[1]. The dwelling is 38 years old. Features of the home include a partial finished basement, central air conditioning, a fireplace and a 2-car garage. The dwelling is located in Wilmette, New Trier Township, Cook County.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the overvaluation argument, the appellant submitted an appraisal report in which a market value of $610,000, or $208.62 per square foot of living area including land, was estimated for the subject property as of January 1, 2007. According to the appraiser, the subject property has 2,924 square feet of living area including 140 square feet on the first floor that is laundry space not garage. The appraiser included a detailed drawing of

[1] The board of review claims the dwelling contains 2,784 square feet of living area. The appraiser claims the dwelling contains 2,924 square feet of living area which includes 140 square feet on the first floor that is laundry space not garage.

the subject property with dimensions to support this claim. The appraiser developed the sales comparison approach and the cost approach in estimating the market value of the subject property but gave primary emphasis to the sales comparison approach since that is more responsive to recent market conditions than the cost approach. The appraiser considered three comparable properties that sold from July 2004 through December 2005, for prices that ranged from $600,000 to $670,000, or $198.41 to $245.16 per square foot of living area including land. The appellant requested that the subject's total assessment be reduced to $61,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of $79,254 was disclosed. The subject's assessment reflects a market value of $789,382 or $283.54 per square foot of living area, land included, using the 2007 three-year median level of assessments for class 2 residential properties in Cook County of 10.04% as determined by the Illinois Department of Revenue, and using the board of review's size of 2,784 square foot of living area. The board of review presented descriptions and assessment information on three equity comparable properties, none which had recently sold. 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.

Initially the board finds the appraiser's size of the subject of 2,924 square feet of living area is the best evidence of size in the record. The Board further finds the appellant's appraisal report is the best evidence of the subject's market value in the record. The appraiser estimated a market value of $610,000 or $208.62 per square foot of living area including land for the subject property as of its assessment date of January 1, 2007. The subject's assessment reflects a market value of $789,382 or $269.97 per square foot of living area including land, which is in excess of the market value estimate contained in the appraisal report. The Board finds that the board of review did not submit

any sales comparables and did not refute the appellant's market value conclusion contained in the appraisal report.

Therefore, the Board finds the subject has a market value of $610,000 as of its January 1, 2007 assessment date and the 2007 three-year median level of assessments for Cook County class 2 residential property of 10.04% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code 1910.59(c)(2)).

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: June 24, 2011

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.