FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Deke Pappas
DOCKET NO.: 07-21220.001-R-1
PARCEL NO.: 04-01-408-005-0000

The parties of record before the Property Tax Appeal Board are Deke Pappas, 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 **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:	$ 34,313
IMPR.:	$ 177,065
TOTAL:	$ 211,378

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of frame and masonry construction containing 4,742 square feet of living area. The dwelling is in deluxe condition and is 13 years old. Features of the home include a full, unfinished basement, central air conditioning, two fireplaces, a two-car garage, and an in-ground pool.

The appellant contends both assessment inequity and overvaluation as the basis of the appeal. In support of the assessment inequity argument, the appellant submitted information on four comparable properties described as two-story masonry or frame and masonry dwellings that range in age from 24 to 39 years old. The appellant's comparables all have the same neighborhood code as the subject and are located approximately one-quarter to one-half mile from the subject. The comparable dwellings range in size from 4,442 to 4,876 square feet of living area. Each comparable has a two-car garage, central air conditioning, and one or two fireplaces. One comparable has a partial, finished basement, and three have unfinished basements, either full or partial. The comparables have improvement assessments ranging from $133,993 to $153,081 or from $27.48 to $32.30 per square foot of living area. The subject's improvement assessment is $177,065 or $37.34 per

square foot of living area. In his brief, the appellant's counsel argued the average improvement assessment for the four comparables was $30.09, which should be applied to the subject's improvement resulting in a revised improved assessment of $142,715 and a total revised assessment of $177,028.

In support of the overvaluation argument, the appellant submitted an appraisal report in which a market value of $1,540,000 was estimated for the subject property as of January 1, 2008. The appraiser developed the cost approach and the sales comparison approach in estimating the market value of the subject property. The appraiser gave most weight to the sales comparison approach to value. In his brief, the appellant's counsel argued the 2007 three-year median level of assessments for class 2 property of 10.04% should be applied to the market value estimated in the appraisal report, resulting in a total revised assessment of $154,616.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of $211,378 was disclosed. The subject's assessment reflects a market value of $2,105,359 or $443.98 per square foot of building area, land included, when applying the 2007 three-year median level of assessments for class 2 property of 10.04%.

In support of the subject's assessment, the board of review presented descriptions and assessment information on four comparable properties consisting of two-story masonry dwellings that are in average condition. The comparables all have the same neighborhood code as the subject, and three are located approximately one-quarter mile from the subject. The dwellings range in age from one to seven years old, and they range in size from 4,211 to 4,949 square feet of living area. Each comparable has a full, finished basement, central air conditioning, one to three fireplaces, and a garage, either two and one-half car or three-car. These properties have improvement assessments ranging from $134,863 to $225,829 or from $32.03 to $46.68 per square foot of living area. The comparable assessed at $32.03 had a reduced assessment for 2007 due to new construction.

As part of its evidence, the board of review indicated that the comparables numbered one, two, and three sold in March 2006, December 2006, and August 2006, for prices of $2,541,000, $2,200,000, and $840,000 or $525.22, $459.67, and $199.68 per square foot of building area, land included, respectively. The board of review also submitted a list of sales prices and sales dates for twenty properties; however, descriptions of those properties were not provided. 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 appellant claimed the subject property's assessment was not reflective of its market value. When market value is the basis of the appeal,

the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2d 1256 (2d Dist. 2000). The Board finds that, based on the evidence contained in the record, the appellant has not sufficiently established overvaluation by a preponderance of the evidence and a reduction in the subject's total assessment is not warranted.

The Board gives little weight to the conclusion of value contained in the appraisal report submitted by the appellant. The appraisal submitted by the appellant had an effective date of January 1, 2008, one year after the assessment date for this appeal, January 1, 2007. In addition, the appraiser listed the living area of the subject property as 4,300 square feet. The board of review's property characteristic sheet lists the subject's size at 4,742 square feet, and this is the size that the appellant's attorney used in the equity analysis. The discrepancy in size may have led to the subject property being undervalued by the appraiser. Finally, the comparable numbered one by the appraiser has 3,263 square feet of living area and is much smaller than the subject property. The board of review successfully refuted the appellant's market value contention when it submitted sales prices for three of the four comparables listed on the grid analysis. The Board finds that two of the comparable sales submitted in the appraisal and two of the comparable sales submitted by the board of review are the best indicators of the subject's market value. These comparables had sales prices that ranged from $1,465,000 to $2,541,000 or from $315.05 to $525.02 per square foot of living area. The subject's assessment reflects a market value of $2,105,359 or $443.98 per square foot of living area. The subject's market value established by this assessment is supported by the sales prices of the comparable properties.

The appellant also argued assessment inequity as an alternative 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 did not demonstrate unequal treatment by clear and convincing evidence.

Both parties presented assessment data on a total of eight equity comparables. All of the comparables submitted by both parties were very similar to the subject in style, location, and most features. They were also generally similar to the subject in size and exterior construction. However, the appellant's comparables were much older than the subject and received reduced weight in the Board's analysis. The comparable numbered three by the board of review had a reduced improvement assessment for new construction and also received reduced weight. The comparables numbered one, two, and four by the board of review were the most similar to the subject in age. Due to their similarities to the subject, these comparables received the most weight in the

Board's analysis. These comparables had improvement assessments that ranged from $41.00 to $46.68 per square foot of living area. The subject's improvement assessment of $37.34 per square foot of living area falls below the range established by the most similar comparables. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's improvement assessment is equitable and a reduction in the subject's assessment is not 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.

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: May 21, 2010

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.