FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Harold Leddy
DOCKET NO.: 07-21919.001-R-1
PARCEL NO.: 05-20-308-051-0000

The parties of record before the Property Tax Appeal Board are Harold Leddy, the appellant(s), by attorney Allen A. Lefkovitz, of Allen A. Lefkovitz & Assoc. P.C. 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:	$19,730
IMPR.:	$58,582
TOTAL:	$78,312

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property has 10,537 square feet of land, which is improved with a 46 year old, two-story, frame and masonry, single-family dwelling containing 2,558 square feet of living area. The dwelling contains two and one-half baths, a partial finished basement, air conditioning, a fireplace, and a two-car garage. 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 undertaken by Todd R. Swanson of Preferred Appraisal, Inc. The report states that Swanson is licensed as a State of Illinois certified residential real estate appraiser. The appraiser stated that the subject has an estimated market value of $780,000 as of January 1, 2007. The appraisal report utilized the cost approach to value and the sales comparison approach to value to estimate the market value for the subject property. The appraisal states that Swanson personally inspected the property, and that the subject's highest and best use as improved is its present use.

Under the cost approach to value, the appraiser used the extraction method to estimate the subject's land value at $600,000. The improvement's replacement cost new was estimated

to be $291,180 using the building-cost.net and the appraisers own in-house files. The appraiser deducted 39.87% from the replacement cost new to account for depreciation of the improvement. The appraiser also found that there were $10,000 worth of "as-is" site improvements upon the subject. The appraiser then added the estimated land value, the value of the depreciated replacement cost, and the value of the other site improvements to arrive at a value under the cost approach to value of $785,100, rounded.

Under the sales comparison approach, the appraiser analyzed the sales of four comparables described as frame or frame and masonry, single-family dwellings that range in age from 41 to 66 years old, and in size from 1,928 to 2,835 square feet of living area. All of the comparables have a full finished basement and air conditioning. These comparables have from two and one-half to three baths, either a one-car or a two-car garage, and either two or three fireplaces. The sales comparables sold from May 2006 to November 2006 for prices ranging from $770,000 to $835,000, or from $271.60 to $408.71 per square foot of living 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 $780,000, rounded.

The income approach to value was not developed for the appraisal. The appraiser stated that the sales comparison approach to value is considered the most reliable, and therefore, is given the most weight when appraising a single-family dwelling. Thus, the appraiser concluded that the subject's appraised value was $780,000 as of January 1, 2007.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of $99,117 was disclosed. The subject's final assessment reflects a fair market value of $987,221 when the 2007 Illinois Department of Revenue three-year median level of assessment for Class 2 properties of 10.04% is applied. In support of the subject's assessment, the board of review presented descriptions and assessment information on four suggested comparables described as two-story, frame and masonry, single-family dwellings that range in age from 45 to 57 years old, and in size from 2,421 to 3,246 square feet of living area. The dwellings have from two and one-half to three baths, either a full unfinished basement or a partial unfinished basement, and either a one-car or a two-car garage. Additionally, all of the properties have air conditioning, and three have a fireplace, ranging from one to two fireplaces. The comparables have improvement assessments ranging from $30.97 to $32.43 per square foot of living area.

The board of review's pleadings also state that Comparable #1 sold in September 2004 for $700,000, or $289.14 per square foot of living area, land included, and that Comparable #2 sold in June 2004 for $970,000, or $351.70 per square foot of living

area, land included. The board of review also submitted a list of sales of properties located within the subject's neighborhood. This list included the PIN, deed number, the date of the sale, and the sale price for twenty properties. No further information was provided regarding these properties. Based on this evidence, the board requested confirmation of the subject's assessment.

In rebuttal, the appellant re-affirmed the evidence previously submitted, and requested that the Property Tax Appeal Board not consider the board of review's comparables as they did not address the appellant's market value argument.

At hearing, the appellant, represented by Allen A Lefkovitz and Chris D. Sarris, re-affirmed the evidence previously submitted. Mr. Sarris also stated that the subject's 2009 assessment was $94,162, but was unable to provide the Board with any evidence of that assessment.

The Cook County Board of Review Analyst, Paul Lee, then testified that for tax year 2007, the assessment level for class 2 properties, such as the subject, was 16% of the property's fair market value. Mr. Lee also testified that the Cook County Assessor placed a market value of $619,485 on the subject for tax year 2008, and that 16% of that market value is $99,117, the subject's 2007 total assessment. Mr. Lee noted that the assessor's market value is lower than the appellant's appraised market value.

On cross-examination, Mr. Lee testified that the four comparables submitted by the board of review were not adjusted for any conditions, and that they were submitted in response to an equity argument. Mr. Lee also testified that the board of review applied the level of assessment prescribed by law, and that in 2007, this level was 16% of the fair market value for class 2 properties.

After reviewing the record, hearing the testimony, and considering the evidence, the Property Tax Appeal Board (the "Board") finds that it has jurisdiction over the parties and the subject matter of this appeal. When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 339 Ill. App. 3d 529, 545 (1st Dist. 2002); National City Bank of Michigan/Illinois v. Prop. Tax Appeal Bd., 331 Ill. App. 3d 1038, 1042 (3d Dist. 2002) (citing Winnebago Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 313 Ill. App. 3d 179 (2d Dist. 2000)); 86 Ill. Admin. Code § 1910.63(e). 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. Calumet Transfer, LLC v. Prop. Tax Appeal Bd., 401 Ill. App. 3d 652, 655 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(c). Having considered the evidence presented, the Board concludes that the evidence indicates a reduction is warranted.

In determining the fair market value of the subject property, the Board finds the best evidence to be the appellant's appraisal. The appellant's appraiser utilized the cost approach to value and the sales comparison approach to value in determining the subject's market value. The Board finds this appraisal to be persuasive because 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 adjustments that were necessary. The Board gives little weight to the board of review's comparables as the information provided was unadjusted raw sales data.

Therefore, the Board finds the subject had a market value of $780,000 for the 2007 assessment year. Since the market value of this parcel has been established, the 2007 Illinois Department of Revenue three-year median level of assessment for Class 2 property of 10.04% will apply. In applying this level of assessment to the subject, the total assessed value is $78,312 while the subject's current total assessed value is above this amount. Therefore, the Board 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.

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: October 19, 2012

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.