



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

APPELLANT: Jud Reidy
DOCKET NO.: 07-22187.001-R-1
PARCEL NO.: 27-08-100-012-0000

The parties of record before the Property Tax Appeal Board are Jud Reidy, the appellant(s), by attorney Patrick J. Cullerton, of Thompson Coburn LLP 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: \$13,939
IMPR.: \$11,161
TOTAL: \$25,100

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of an 87,120 square foot parcel of land improved with two buildings. Improvement #1 is a 66 year-old, two-story, frame, single-family dwelling containing 1,694 square feet of living area. Improvement #2 is a 66 year-old, one and one-half-story, frame, single-family dwelling containing 1,587 square feet of living area. The appellant argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant submitted an appraisal authored by Keith Lewis of Phoenix-Chicago Appraisal. The report indicates McNamara is a State of Illinois certified general appraiser. The appraiser indicated the subject has an estimated market value of \$250,000 as of January 1, 2007. The appraisal report utilized two of the traditional approaches to value to estimate the market value for the subject property. The appraisal finds the subject's highest and best use to be

vacant until the safety and zoning issues on the property are changed.

Under the cost approach to value, the appraiser analyzed three land sales to estimate the value of the land at \$8.07 per square foot or \$236,000. The appraisal noted that 87,120 square feet of land was in a designated unbuildable wetlands area and given no value. The remaining 33,120 square feet of the site were used for estimation of land value. The replacement cost new was utilized to determine a cost for the improvement at \$164,157. The appraiser depreciated the improvement by \$149,527. The land was added back in to establish a value under the cost approach of \$250,630, rounded.

Under the sales comparison approach, the appraiser analyzed the sales of five properties located within 1.26 miles of the subject. The properties are one-story or multi-level, single-family dwellings. The properties contain between 1,434 and 1,775 square feet of living area. The comparables sold from May 2006 to December 2006 for prices ranging from \$208,000 to \$349,000, or from \$127.76 to \$200.59 per square foot of living area, including land. The appraiser adjusted each of the comparables for pertinent factors. Based on the similarities and difference of the comparables when compared to the subject, the appraiser estimated a value for the subject under the sales comparison approach of \$250,000, rounded.

In reconciling the approaches to value, the appraisal gave more weight to the sales comparison approach and indicated the cost approach supported the sales comparison approach to arrive at a final estimate of value for the subject as of January 1, 2007 of \$250,000.

At hearing, the appellant's witness was Keith Lewis, the appraiser for the property. Mr. Lewis testified he has been an Illinois licensed general real estate appraiser since 2003. He described the property as a 90,000 square foot site with the front 60,000 square feet in a flood plain and unbuildable. He testified the back 30,000 square feet of land has a one and one-half story house and a garage with illegal living quarters. He opined that the condition of the house is unlivable and unsafe. Lewis testified that the second house smelled of sewage and opined that this was due to the methane pipes not being properly installed. He also described this improvement as unlivable. He testified the property is on well and septic, but could be hooked up to city water and sewer for approximately \$40,000.

Lewis testified that while estimating the value for the subject under the cost approach he found that the improvements were only contributing minimally to the value of the subject due to their condition. He testified he took into consideration the livability of the property or its lack thereof.

Lewis stated the only access to the subject is driving through the wetlands to get to the improvements. He testified that when

the wetlands are flooded there is no access to the improvements via a vehicle; the only access is by walking from the back end of the property.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's Improvement #1 assessment of \$18,199 or \$10.74 per square foot of living area and Improvement #2 of \$21,587 or \$13.60 per square foot of living area was disclosed. The total assessment of \$53,725 yields a market value of \$535,109 when using the Illinois Department of Revenue 2007 median level of assessments for Cook County Class 2 property of 10.04%. In support of the subject's assessment, the board of review presented descriptions and assessment information on four properties suggested as comparable and located within the subject's neighborhood. The properties consist of one-story, frame, masonry or frame and masonry, single-family dwellings with one and one-half or two baths, a partial or full basement with one finished, and for two properties, air conditioning and a fireplace. The properties range: in age from 34 to 50 years; in size from 1,580 to 1,748 square feet of living area; and in improvement assessments from \$15.09 to \$18.56 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the board of review's representative, Michael LaCalamita, rested on the evidence previously submitted.

In rebuttal, the appellant presented, at hearing, Appellant's Exhibit #2, aerial photographs and assessor's website photographs for the board of review's comparables. The appellant's attorney argued that there are no properties similar enough to the subject because of the condition of the subject. He argued that the subject's improvements should be torn down and the land redeveloped.

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 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd 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 two of traditional 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; estimated a highest and best use for the subject property; utilized appropriate market data in undertaking the approaches to value; and lastly, used similar properties in the sales comparison approach while providing sufficient detail regarding each sale as well as adjustments that were necessary. The PTAB gives little weight to the board of review's comparables as the information provided did not include any market data.

Therefore, the PTAB finds that the subject property had a market value of \$250,000 for the 2007 assessment year. Since the market value of the subject has been established, the Department of Revenue 2007 three year median level of assessment of 10.04% for Class 2 will apply. In applying this level of assessment to the subject, the total assessed value is \$25,100 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.

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: August 20, 2010

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.