



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

APPELLANT: James Epstein
DOCKET NO.: 07-22204.001-R-1
PARCEL NO.: 05-27-419-012-0000

The parties of record before the Property Tax Appeal Board are James Epstein, the appellant, by attorney James E. Doherty, of Thomas M. Tully & Associates 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: \$ 45,841
IMPR.: \$ 106,800
TOTAL: \$ 152,641

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a parcel with 15,487 square feet of land area that is improved with a two-story, masonry dwelling. The dwelling is three years old and contains 5,811 square feet of living area. Features of the home include a full unfinished basement, central air conditioning, three fireplaces, and a two-car attached garage. The property is classified as a class 2-09 residential property under the Cook County Real Property Assessment Classification Ordinance and is located in Wilmette, New Trier Township, Cook County.

The appellant is basing this appeal on overvaluation as well as on a contention of law.¹ When the appellant's attorney completed Section 2d of the residential appeal form, he checked boxes indicating the appeal was being based on recent construction and on a contention of law. In support of the recent construction argument, the appellant's attorney provided a contractor's affidavit; however, counsel did not complete Section VI of the residential appeal form. The contractor's affidavit, signed and dated October 24, 2005, indicated that the total costs associated with constructing the subject dwelling were \$1,067,821.78. The affidavit listed expenses for permits, construction materials,

¹ While a brief was presented, the arguments pertain to the assessment and/or estimated market value of the subject.

work done by subcontractors, and the contractor's fee. The appellant's attorney also submitted a brief. In the brief, counsel argued that the construction costs for the subject dwelling totaled \$1,068,000 and that the subject's improvement assessment should be \$106,800, or 10% of the construction costs. The appellant's attorney requested that the subject's 2007 improvement assessment be reduced to \$106,800 and that the subject's 2007 total assessment be reduced to \$152,641.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$231,269 was disclosed. The subject has a land assessment of \$45,841 and an improvement assessment of \$185,428. The subject's total assessment of \$231,269 reflects a market value of \$2,303,476 (\$456,584 for the site and \$1,846,892 for the improvement) using the 2007 three-year average median level of assessments for class 2 property in Cook County of 10.04% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.50(c)(2)).

The board of review provided equity information on three comparable properties to demonstrate the subject was being equitably assessed, which is not responsive to the appellant's overvaluation argument. As part of its evidence, the board of review disclosed that comparable #1 sold in May 2006 for \$1,670,000 or \$273.73 per square foot of living area, land included. On the grid analysis, comparable #1 is described as an 81-year old dwelling with 3,906 square feet of living area. The board of review provided the property characteristic sheet for comparable #1, and this evidence reveals that the 81-year old dwelling has been replaced with a one-year old dwelling with 6,101 square feet. It was not clear from the evidence provided by the board of review if the sale price referred to the purchase of the 81-year old dwelling or the new dwelling that replaced it. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Board finds it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds the evidence in the record does support 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 of the property must be proved 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 documentation evidencing the cost of construction. 86 Ill.Admin.Code 1910.65(c)(3). After an analysis of the evidence in the record, the Board finds the appellant has met this burden of proof and a reduction in the subject's assessment is warranted.

The appellant argued the assessed value of the subject's improvement was excessive in light of the actual costs incurred to build the dwelling. The appellant provided a contractor's affidavit, signed and dated October 24, 2005. The contractor's affidavit indicated that the costs associated with constructing the dwelling totaled \$1,067,821.78.

For 2007, the subject has a total assessment which reflects a market value of \$2,303,476 (\$456,584 for the site and \$1,846,892 for the improvement), using the 2007 three-year average median level of assessments for class 2 property in Cook County of 10.04% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.50(c)(2)). The market value of the subject's improvement as reflected by its assessment is greater than the construction costs indicated on the contractor's affidavit.

The Board finds the board of review did not refute the appellant's overvaluation argument. The board of review provided no evidence to challenge the contractor's affidavit. The board of review did provide information on three equity comparables as well as a sale price for one of these comparables. The Board gives no weight to the equity evidence submitted by the board of review as it is not responsive to the appellant's market value argument. The only market evidence provided by the board of review was the sale of comparable #1 in May 2006 for \$1,670,000. However, the board of review provided contradictory evidence for this comparable. On the grid analysis, this comparable was listed as an 81-year old, masonry dwelling with 3,906 square feet of living area. The board of review supplied the property characteristic sheet for this property which revealed that this dwelling was replaced with a one-year old, masonry dwelling with 6,101 square feet. It was not clear from the evidence provided by the board of review if the sale price referred to the purchase of the 81-year old dwelling or the new dwelling that replaced it. As a result, the Board gives no weight to the market value evidence provided by the board of review.

The Board finds that the construction costs presented by the appellant are the best evidence of the value of the subject's improvement as of the assessment date at issue. Based on the evidence in the record, the Board finds a reduction to the subject's improvement assessment commensurate with the appellant's request is appropriate.

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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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 22, 2012

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.