FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Mark Myers
DOCKET NO.: 07-22623.001-R-1
PARCEL NO.: 05-17-119-016-0000

The parties of record before the Property Tax Appeal Board are Mark Myers, the appellant, by attorney Timothy C. Jacobs of Gary H. Smith PC 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:	$ 29,433
IMPR.:	$ 131,207
TOTAL:	$ 160,640

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of frame construction containing 3,684 square feet of living area. The dwelling is seven years old. Features of the home include a full finished basement, central air conditioning, three fireplaces, and a two-car detached garage. The dwelling is classified as a class 2-07 residential property under the Cook County Real Property Assessment Classification Ordinance and is located in Winnetka, 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 a market survey in which a market value of $1,600,000 was estimated for the subject property. The realtor looked at three comparable sales in the subject's neighborhood that sold from January to July 2007 for prices that ranged from $1,470,000 to $1,595,000. Two of these properties were two-story dwellings, and one was described as "4+" story. The three sale properties were either one or three years old, and they were located in Winnetka. In the brief, the appellant's counsel requested that the 10% level of assessments on class 2 property in Cook County be applied to the realtor's finding of market value and that the subject's total assessment be reduced to $160,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of $180,477 was disclosed. The subject's assessment reflects a market value of $1,797,580 or $487.94 per square foot of living area, land included, using the 2007 three-year median level of assessments for Cook County Real Property Assessment Classification Ordinance Class 2 property of 10.04% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.59(c)(2)).

The board of review presented no market value evidence. Instead, the board of review presented a description and assessment information on one comparable property that is located one-quarter mile from the subject property. The comparable property is a 13-year old, two-story frame dwelling containing 2,999 square feet of living area. The comparable has an improvement assessment of $41.37 per square foot of living area. 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 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 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 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.

The Board finds the appellant's market survey is the best evidence of the subject's market value as of the January 1, 2007 assessment date. The realtor looked at three comparable sales and estimated a market value of $1,600,000 for the subject property. The subject’s assessment reflects a market value of $1,797,580 and is in excess of the market value estimate contained in the market survey. The board of review submitted an equity comparable but did not address the overvaluation argument. Thus, the Board finds that the board of review did not refute the appellant's market value conclusion contained in the market survey. Based on this record, the Board finds the subject had a market value of $1,600,000 as of January 1, 2007, and the 2007 three-year median level of assessments for Cook County Real Property Assessment Classification Ordinance Class 2 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.