



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

APPELLANT: Jose Munoz  
DOCKET NO.: 07-22830.001-R-1  
PARCEL NO.: 05-17-300-014-0000

The parties of record before the Property Tax Appeal Board are Jose Munoz, the appellant(s), 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 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:** \$67,922  
**IMPR:** \$107,778  
**TOTAL:** \$175,700

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 23,261 square foot parcel of land improved with an 81-year old, two-story, masonry, single-family dwelling containing two and one-half baths, air conditioning, a fireplace, and a partial, unfinished basement. The appellant argued both unequal treatment in the assessment process and that the market value of the subject property is not accurately reflected in the property's assessed valuation as the bases of this appeal.

In support of the market value argument, the appellant submitted an appraisal authored by Carol Westerman of Preferred appraisal, Inc. The report indicates Westerman is a State of Illinois licensed general appraiser. The appraiser indicated the subject has an estimated market value of \$1,750,000 as of January 1, 2008. The appraisal report utilized the sales comparison and cost approaches to value to estimate the market value for the subject property. The appraisal states the property contains 5,076 square feet of living area based on an inspection on February 6,

2009 along with a sketch of the subject improvement included in the appraisal.

Under the cost approach, the appraiser estimated the land at \$700,000 and the replacement cost new at \$1,421,550. Depreciation of \$425,805 was deducted and site improvements of \$50,000 and the land value were added to arrive at an estimate of value under the cost approach of \$1,745,700.

Under the sales comparison approach, the appraiser analyzed the sales of three properties located within the subject's market. The properties sold from April 2007 to February 2008 for prices ranging from \$1,525,000 to \$1,830,000, or from \$357.00 to \$374.88 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 approach of \$1,750,000.

In reconciling the values, the appraiser gave the most consideration to the sales comparison approach to arrive at a value for the subject on January 1, 2008 of \$1,750,000.

In support of the equity argument, the appellant submitted descriptions and assessment information on a total of three properties suggested as comparable and located within the subject's neighborhood. The properties are described as two-story, stucco, single-family dwellings with between two and one-half and three and two-half baths, air conditioning, two fireplaces, and a partial basement with one finished. The properties range: in age from 89 to 114 years; in size from 3,798 to 4,163 square feet of living area; and in improvement assessment from \$24.94 to \$32.20 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$201,546 with an improvement assessment of \$133,624 or \$34.60 per square foot of living area was disclosed. This assessment reflects a market value of \$2,007,430 using the Illinois Department of Revenue's 2007 three year median level of assessment of 10.04% for Cook County Class 2 property. In support of the subject's assessment, the board of review presented descriptions and assessment information on a total of four properties suggested as comparable and located within the subject's neighborhood. The properties are described as two-story, masonry, single-family dwellings with between two and one-half and four and one-half baths, air conditioning, two or three fireplaces, and a full basement with two finished. The properties range: in age from 78 to 90 years; in size from 3,375 to 3,613 square feet of living area; and in improvement assessment from \$35.04 to \$52.43 per square foot of living area. Two of these properties sold in August 2006 for prices ranging from \$1,570,000 to \$2,562,500 or from \$434.54 to \$759.26 per square foot of living area. The board's evidence

states the subject contains 3,862 square feet of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, both parties rested on the evidence previously submitted.

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 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2<sup>nd</sup> 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 based on market value is warranted.

As to the subject's size, the PTAB finds the appellant submitted sufficient evidence to show that the subject property contains 5,076 square feet of living area. The appraiser inspected the subject and included a sketch of the floor plan along with the dimensions.

In determining the fair market value of the subject property, the PTAB finds the best evidence to be the appellant's appraisal. The PTAB finds the appraisal's value date is within the 2007 triennial assessment cycle and is indicative of the value in 2007. The appellant's appraiser utilized the cost and sales comparison 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; and 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 market information provided was raw sales data with no adjustments.

Therefore, the PTAB finds that the subject property had a market value of \$1,750,000 for the 2007 assessment year. Since the market value of the subject has been established, the Illinois Department of Revenue's 2007 three year median level of assessment of 10.04% for Cook County Class 2 property will apply. In applying this level of assessment to the subject, the total assessed value is \$175,700 while the subject's current total

assessed value is above this amount. Therefore, the PTAB finds that a reduction is warranted. The PTAB further finds that once this new assessed value is applied, the subject is equitably assessed.

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.*

Acting 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: December 23, 2011

*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.