



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

APPELLANT: John Kelly  
DOCKET NO.: 07-23319.001-R-1  
PARCEL NO.: 05-20-311-012-0000

The parties of record before the Property Tax Appeal Board are John Kelly, 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:** \$54,181  
**IMPR:** \$161,679  
**TOTAL:** \$215,860

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of 26,049 square foot parcel of land improved with a 51-year old, three-story, masonry, single-family dwelling containing, four and one-half baths, three fireplaces, and a full, unfinished basement. The appellant argued that the fair market value of the subject was not accurately reflected in its assessed value as the bases of the appeal.

In support of the market value argument, the appellant submitted an appraisal authored by Melissa Arnstein of Preferred Appraisals, Inc. The report indicates Arnstein is a State of Illinois certified general appraiser. The appraiser estimated market value of \$2,150,000 as of January 1, 2007. The appraisal report utilized the cost and sales comparison approaches to value to estimate the market value for the subject property. The appraisal found the subject's highest and best use to be its present use.

Under the cost approach, the appraiser indicated the improvement was measured and a sketch was drawn to arrive at the

improvement's size of 5,727 square feet of living area. The appraiser estimated the land at \$925,000. Using "in house new construction files", Arnstein estimated the replacement cost new of the improvement to be \$1,288,575. Using the age/life method, depreciation was estimated at \$90,200 for a value of the improvement at \$1,198,375. The cost of site improvements and the land were added to this value to arrive at an estimate of value for the subject under the cost approach at \$2,138,400, rounded.

Under the sales comparison approach, the appraiser analyzed the sales of three masonry, two-story, single-family dwellings located within the subject's market. The properties contain between 4,277 and 5,179 square feet of living area and sold between August 2006 and September 2006 for prices ranging from \$1,870,000 to \$2,280,000, or \$361.07 to \$528.99 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 \$2,150,000, rounded.

In reconciling the approaches, the appraiser gave the most weight to the sales comparison approach and found the cost approach supportive to arrive at an estimate of value for the subject as of January 1, 2007 of \$2,150,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$248,780 was disclosed. The subject's final assessment reflects a fair market value of \$2,477,888 when the Illinois Department of Revenue's 2007 three-year median level of assessment of 10.04% for Cook County Class 2 properties is applied. The board list's the subject improvement size at 4,191 square feet of living area.

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, stucco, single-family dwellings. The properties range: in age from 83 to 109 years; in size from 2,574 to 4,058 square feet of living area; and in improvement assessments from \$30.00 to \$36.12 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a letter asserting that the board of review did not address the appellant's market value argument.

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.

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 market value evidence presented, the PTAB concludes that this evidence indicates a reduction is warranted.

As to the subject's size, the PTAB finds the appellant has submitted sufficient evidence to show that the subject contains 5,727 square feet of living area. The appraisal indicates measurements were done and a sketch was made to establish the living area. Therefore, the PTAB finds the subject contains 5,727 square feet of living area.

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 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 information provided did not contain any market value information.

Therefore, the PTAB finds the subject had a market value of \$2,150,000 for the 2007 assessment year. Since the market value of this parcel has been established, the Illinois Department of Revenue's 2006 three-year median level of assessment of 10.04% for Cook County Class 2 properties will apply. In applying this level of assessment to the subject, the total assessed value is \$215,860 while the subject's current total assessed value is above this amount. Therefore, the PTAB finds that a reduction is warranted. Once this reduction is applied, the PTAB further finds 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.

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Chairman

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Member

\_\_\_\_\_  
Member

*[Handwritten Signature]*

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Member

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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: November 18, 2011

*[Handwritten Signature]*

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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.