



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

APPELLANT: Robert L. Hulseman  
DOCKET NO.: 07-23546.001-R-2  
PARCEL NO.: 05-29-202-003-0000

The parties of record before the Property Tax Appeal Board are Robert L. Hulseman, the appellant, by attorney Michael F. Baccash, of Sarnoff & Baccash in Chicago; the Cook County Board of Review; the Avoca SD No. 37, and New Trier HSD 203, intervenors, by attorney Kenneth M. Florey of Robbins Schwartz Nicholas Lifton Taylor in Chicago.

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:** \$ 149,316  
**IMPR.:** \$ 202,084  
**TOTAL:** \$ 351,400

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 71,787 square foot parcel improved with an 81-year-old, two-story, single-family dwelling of stucco construction located in New Trier Township, Cook County. Features of the residence include four bathrooms, a full-finished basement, central air-conditioning, three fireplaces and a three-car detached garage. The appellant's appraisal indicates the subject contains 7,101 square feet of living area, the intervenors' appraisal indicates the subject dwelling contains 7,090 square feet, while the board of review's documents indicate the subject contains 8,174 square feet of living area.

The appellant, through counsel, submitted evidence before the Property Tax Appeal Board claiming the subject's market value is not accurately reflected in its assessment. In support of this claim, the appellant submitted a residential appraisal summary report prepared by Daniel Kane and Howard L. Wilcox of The Wilcox Company in Chicago, Illinois. The appraisal revealed that Kane

and Wilcox are State of Illinois certified real estate appraisers. The appraisal disclosed that Kane inspected the interior and exterior of the subject property, whereas, Wilcox inspected the exterior. The appraisers determined the subject's highest and best use to be its current use. The appraisers utilized the sales comparison approach to estimate a market value of \$3,200,000 for the subject as of January 1, 2007.

In the sales comparison approach to value, the appraisers employed the sales of four properties located within a distance of 0.49 miles from the subject. The comparables consist of two-story, single-family dwellings of stucco or masonry construction ranging from 52 to 79 years in age. The lots range in size from 37,309 to 104,596 square feet and the improvements range in size from 4,135 to 7,519 square feet of living area. The comparables sold between September 2005 and October 2006 for prices ranging from \$2,330,000 to \$5,492,400 or from \$393.18 to \$730.47 per square foot of living area, including land. The appraisers also utilized an active listing in their analysis. After making adjustments, the appraisers concluded a value for the subject via the sales comparison approach of \$3,200,000 as of January 1, 2007.

The appraisal report disclosed the subject dwelling consists of a two-story, stucco, traditional style residence of good overall quality of construction. The appraisal report further disclosed the subject building exhibits average overall condition with some physical deterioration due to normal wear and tear.

Based on the evidence submitted, the appellant requested an assessment reflective of a fair market value for the subject of \$3,200,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$469,572 was disclosed. The assessment reflects a total market value of \$4,677,012 for the subject, when the 2007 Illinois Department of Revenue's three-year median level of assessments of 10.04% for Class 2 property, such as the subject, is applied. In support of the assessment the board of review submitted property characteristic printouts and descriptive data on two properties suggested as comparable to the subject. The suggested comparables are improved with two-story, four or 50-year-old, single-family dwellings of masonry or frame and masonry construction with the same neighborhood code as the subject. The improvements contain 6,602 and 6,719 square feet of living area. The comparables contain four and one-half or six and one-half bathrooms, a partial or full-finished basement, central air-conditioning, multiple fireplaces and a multi-car garage. The improvement assessments are \$47.46 and \$58.00 per square foot of living area, respectively. The board's comparable two sold in March 2006 for \$5,286,000. Based on the evidence presented, the board of review requested confirmation of the subject's assessment.

Two taxing districts intervened in this matter. The intervenors submitted a summary appraisal report with a valuation date of January 1, 2007 prepared by David L. Disselhorst of Disselhorst Appraisals in Norridge, Illinois. The appraisal revealed that Disselhorst is a State of Illinois certified real estate appraiser. The appraisal report disclosed that Disselhorst inspected the subject property. The appraiser determined the subject's highest and best use to be its current use. The appraiser utilized the sales comparison approach as well as the cost approach to estimate a market value of \$3,575,000 for the subject as of January 1, 2007.

In the sales comparison approach to value, the appraiser employed the sales of four properties located within the subject's neighborhood. The comparables consist of two-story, single-family dwellings of stucco and/or stone construction ranging from 66 to 93 years in age. The lots range in size from 37,309 to 53,169 square feet and the improvements range in size from 4,869 to 7,262 square feet of living area. The comparables sold between October 2005 and October 2006 for prices ranging from \$2,330,000 to \$3,530,000 or from \$393.18 to \$628.60 per square foot of living area, including land. The appraiser also utilized an active listing in his analysis. The appellant's comparables one and four as well as the active listing were also utilized by the intervenors. After making adjustments, the appraiser concluded a value for the subject via the sales comparison approach of \$3,575,000.

In the cost approach, the appraiser estimated the value of the subject site to be \$2,200,000. The appraiser then utilized Marshall & Swift Estimator software to calculate the subject's cost. The appraisal disclosed that this program uses pre-calculated tables to complete a cost approach based on the subject's age and location as well as condition and construction materials used. The appraiser estimated a depreciated replacement cost new for the subject of \$1,328,002. A cost of \$58,900 for other site improvements was added to the depreciated cost of the main improvement, as was the land value of \$2,200,000. Thus, the appraiser determined a value for the subject via the cost approach of \$3,586,902.

In reconciling the two approaches to value, the intervenors' appraiser accorded the greatest weight to the sales comparison approach with the cost approach used in support. Based on the evidence submitted, the intervenors requested an assessment reflective of a fair market value for the subject of \$3,575,000.

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 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 (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 arms-length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. (86 Ill.Adm.Code §1910.65(c)) Having considered the evidence presented, the Board finds the appellant has satisfied this burden and a reduction is warranted.

The first issue before the Board is the correct square footage attributable to the subject improvement. The Board finds that the appellant substantiated the claim that the subject's square footage is different than the public record presented by the board of review. Both appraisers agreed that the subject dwelling contains approximately 7,100 square feet of living area, therefore, the Board finds the subject contains 7,100 square feet.

Next, the Board examined the appellant's residential summary appraisal report, the board of review's evidence as well as the summary appraisal report provided by the intervenors. Both appraisers relied on the sales comparison approach in valuing the subject property, whereas, the intervenors' also provided a cost approach to value.

The Property Tax Appeal Board places no weight on the board of review's evidence in that it consists of two equity comparables as well as raw sales data for one of the properties. The Board finds the board of review failed to provide any analysis regarding the similarity or dissimilarity of the sale to the subject. In addition, there are no adjustments to the sale for time of sale, conditions of sale, location, size, or any other factor used in a conventional comparative analysis. Therefore, the board of review's evidence is accorded no weight.

The courts have stated that where there is credible evidence of comparable sales, these sales are to be given significant weight as evidence of market value. In Chrysler Corporation v. Property Tax Appeal Board, 69 Ill.App.3d 207 (2<sup>nd</sup> Dist. 1979). The Court further held that significant relevance should be placed on the cost approach or the income approach especially when there is market data available. Id. Moreover, in Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (5<sup>th</sup> Dist. 1989), the Court held that of the three primary methods of evaluating property for purposes of real estate taxes, the preferred method is the sales comparison approach.

In the sales comparison approach, the Property Tax Appeal Board finds a total of six sales were utilized in the two appraisals. The appellant's comparables one and four and the intervenors' comparables one and four are the same properties. The Property Tax Appeal Board further finds the appellant's comparables one and four and the intervenors' comparables one, three and four to be the most similar properties to the subject in the record. They

consist of two-story, single-family dwellings of stucco and/or stone construction ranging from 66 to 81 years in age. The lots range in size from 37,309 to 53,169 square feet and the improvements range in size from 4,954 to 7,262 square feet of living area. The comparables sold between December 2005 and October 2006 for prices ranging from \$2,330,000 to \$3,530,000 or from \$393.18 to \$514.74 per square foot of living area, including land. In comparison, the subject's assessment reflects a market value of \$4,677,012 or \$658.73 per square foot of living area and falls above the range established by similar properties.

Therefore, the Property Tax Appeal Board finds that the subject had a fair market value of \$3,500,000 as of January 1, 2007. Since the fair market value of the subject has been established, the Department of Revenue's 2007 three-year median level of assessments for Cook County Class 2 property of 10.04% will apply. In applying the three-year median level of assessment to the subject, the total assessed value is \$351,400, while the subject's current total assessed value is above this amount at \$469,572. Therefore, the Property Tax Appeal Board finds 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.

*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.