



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

APPELLANT: Elizabeth Brubaker
DOCKET NO.: 07-23560.001-R-1
PARCEL NO.: 05-28-202-008-0000

The parties of record before the Property Tax Appeal Board are Elizabeth Brubaker, 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: \$44,676
IMPR.: \$53,214
TOTAL: \$97,890**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 1.5-story dwelling of stucco construction containing 3,045 square feet of living area. The dwelling is 85 years old. Features of the home include a partial unfinished basement, central air conditioning, a fireplace and a 2.5-car garage¹.

The appellant submitted evidence to the Property Tax Appeal Board claiming overvaluation. In support of the overvaluation argument, the appellant submitted an appraisal of the subject property with an effective date of January 1, 2007. The appraiser used the sales comparison approach to value in estimating a market value for the subject of \$975,000.

In the sales approach to value the appraiser utilized three comparable sales that sold from October 2006 through August 2007, for prices that ranged from \$865,000 to \$1,050,000 or \$301.95 to \$420.17 per square foot of living area, including land. The comparable's proximity to the subject range from the same block to .50 mile from the subject. The comparable sales were

¹ The appraisal describes the subject property as a bungalow dwelling containing 3,708 square feet of living area. Features of the home include a full unfinished basement, a fireplace, a sunroom and a 2-car garage. There is no indication of central air conditioning for the subject property.

described as two and ½-story dwellings that range in age from 81 to 89 years old. The comparable dwellings range in size from 2,499 to 3,080 square feet of living area. Two comparables have a full basement finished with a recreation room and one comparable has a partial basement finished with a recreation room. Two comparables have a fireplace. Two comparables have a 2-car garage and one comparable has a 1-car garage. The appraiser made adjustments for the comparables' site, the above grade room count and gross living area, basement and finished rooms below grade, central air conditioning system, garage, fireplace, and updates. The appraiser estimated these adjustments resulted in a net adjustment of \$65,000 for comparable #1, a net adjustment of \$8,500 for comparable #2 and a net adjustment of \$(3,000) for comparable #3. Then, based on adjusted sale prices ranging from \$930,000 to \$1,047,000, the appraiser estimated the subject's market value to be \$975,000 using the sales comparison approach.

Based on this evidence, the appellant requested a total reduced assessment of \$97,500.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$126,593 was disclosed. The subject's assessment reflects a market value of \$1,260,886 using the 2007 three-year median level of assessment for Class 2 property in Cook County of 10.04% as determined by the Illinois Department of Revenue. To demonstrate the subject was correctly assessed, the board of review presented descriptions and assessment information on four comparable properties consisting of 1.5-story stucco dwellings that range in age from 80 to 96 years old. The buildings range in size from 1,983 to 2,487 square feet of living area. Each comparable has a full unfinished basement. Two comparables have central air conditioning. Three comparables have a fireplace and one comparable has two fireplaces. Three comparables have a 2-car garage. These properties have improvement assessments ranging from \$27.00 to \$30.51 per square foot of living area. No market value evidence was presented. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After considering the evidence and reviewing the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

The parties presented varying statements of the subject's dwelling size. Although the appellant's appraiser presented a schematic drawing with an estimate of 3,708 square feet of living area, the Board finds appellant's attorney and the board of review agreed the dwelling contains 3,045 square feet of living area.

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); Winnebago

County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd 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 Sec. 1910.65(c). Having considered the evidence presented, the Property Tax Appeal Board finds that a reduction is warranted.

The Board finds the board of review submitted equity comparables but did not address or refute the appellant's market value argument. The Board finds the best evidence of market value in the record was the appraisal of the subject property submitted by the appellant. Using the sales approach to value the appraiser estimated the subject had a market value of \$975,000 as of January 1, 2007. The appraisal reflects a market value less than the market value reflected by the subject's assessment.

Based on this record, the Property Tax Appeal Board finds that the subject property had a market value of \$975,000 as of January 1, 2007. Since market value has been determined the 2007 three-year median level of assessments for Class 2 residential property in Cook County of 10.04% as determined by the Department of Revenue shall apply (86 Ill.Admin.Code 1910.50(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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario M. Louie

Member

Shawn P. Lerbis

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: April 22, 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.