



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

APPELLANT: John Hellmuth
DOCKET NO.: 07-23723.001-R-1
PARCEL NO.: 05-20-221-019-0000

The parties of record before the Property Tax Appeal Board are John Hellmuth, the appellant, by attorney Edward Larkin, of Larkin & Larkin in Park Ridge; 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: \$ 34,504
IMPR.: \$ 80,253
TOTAL: \$ 114,757

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 14,377 square foot land parcel improvement with a 100-year old, two-story, stucco, single-family dwelling. The improvement contains two full and two one-half baths, a full basement, one fireplace, and a three-car garage.

The appellant, via counsel, raised two arguments: first that the subject improvement's size was incorrect; and second, 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 a uniform residential appraisal report of the subject property with an effective date of January 1, 2007 undertaken by John C. Satter, Certified General Real Estate Appraiser holding the designation of Member of the Appraisal Institute (hereinafter MAI). The appraiser developed one of the traditional approaches to value, the sales comparison approach, to opine an estimate of value at \$1,143,000. Under this approach, the appraiser inspected the subject's improvement indicating a building in

average condition with an improvement size at 4,149 square feet of living area with an attached plat of survey to support same.

The appraiser utilized five sales comparables that sold from March, 2006, through February, 2007, for prices that ranged from \$980,000 to \$1,249,000, or from \$270.35 to \$383.33 per square foot. The properties are improved with a two-story, single-family dwelling of stucco, stone or cedar exterior construction. They range: in bathrooms from two full and one-half to three full and one-half baths; in age from 68 to 94 years; and in improvement size from 2,700 to 4,620 square feet. Amenities included basement and multi-car garages. After making adjustments to the properties, the appraiser estimated the subject's market value at \$1,143,000.

An ancillary issue was the size of the subject's improvement. The appellant's evidence comprising a uniform residential appraisal reflected 4,149 square feet of living area with an attached plat of survey to support same. In contrast, the board of review submitted a property characteristic printout reflecting 4,213 square feet. The board of review failed to submit a copy of the subject's property record card.

At hearing, the appellant's attorney argued that the subject's assessment should be reduced to reflect the board of review's total assessed value of \$123,337 as indicated for tax year 2009. He asserted that the triennial reassessment period for the subject was tax year 2007 and that the board's reduction for tax year 2009 was within the same triennial period. In support of this assertion, the appellant's attorney submitted Appellant's Hearing Exhibit #1 without objection from the board of review's representative. This Exhibit is a copy of the board of review's decision in tax year 2009 for the subject property reflecting a reduction in the total assessment to \$123,337. On the basis of this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$160,894 for tax year 2007 reflecting an improvement assessment of \$126,390 or \$30.00 per square foot using 4,213 square feet of living area.

The board of review submitted four equity comparables. The properties were improved with a two-story, masonry or frame and masonry, single-family dwelling. They ranged: in age from 21 to 43 years; in size from 4,309 to 4,755 square feet of living area; and in improvement assessments from \$46.26 to \$50.25 per square foot. The four properties were accorded an average condition by the assessor's office, while the subject property was accorded a deluxe condition without further explanation of the distinguishing characteristics. As a result of its analysis, the board requested confirmation of the subject's assessment.

At hearing, the board of review's representative rested on the written evidence submissions.

After considering the testimony and/or the arguments as well as reviewing 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 (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 1910.65(c). Having considered the evidence presented, the PTAB concludes that the evidence indicates a reduction is warranted.

An initial issue raised in the parties' pleadings was the improvement size of the subject. The PTAB finds that the best evidence of improvement size was found in the appellant's appraisal. Therefore, the PTAB finds that the subject's improvement size is 4,149 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 sales comparison approach to value in determining the subject's market value. The PTAB finds this appraisal to be persuasive for the appraiser inspected the subject property and utilized market data in the sales comparison approach while providing sufficient detail regarding each sale as well as adjustments where necessary. Moreover, the PTAB finds that tax years 2007 and 2009 were within the same triennial assessment period and that the board of review reduced the subject's assessment in tax year 2009, thereby, supporting a reduction for the subject property in tax year 2007.

The PTAB further finds that the board of review failed to address the appellant's market value argument in the tax year at issue.

Therefore, the PTAB finds that the subject property contained a market value of \$1,143,000 for tax year 2007. Since the market value of the subject has been established, the three-year median level of assessment as established by the Illinois Department of Revenue for Cook County Class 2, residential property of 10.04% will apply. In applying this level of assessment to the subject, the total assessed value is \$114,757, while the subject's current total assessed value is above this amount at \$160,894. Therefore, the PTAB finds that 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.

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: February 18, 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.