



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

APPELLANT: Robert Wachala
DOCKET NO.: 07-24482.001-R-1
PARCEL NO.: 04-09-417-003-0000

The parties of record before the Property Tax Appeal Board are Robert Wachala, the appellant, by attorney Scott Shudnow of Shudnow & Shudnow, Ltd. in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$ 8,316
IMPR.: \$ 69,494
TOTAL: \$ 77,810

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of stucco construction containing 2,998 square feet of living area. The dwelling is seven years old. Features of the home include a full finished basement, central air conditioning, a fireplace, and a two-car attached garage. The dwelling is located in Northbrook, Northfield Township, Cook County.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the overvaluation argument, the appellant submitted an appraisal report in which a market value of \$600,000 was estimated for the subject property as of January 1, 2007. The appraiser developed the sales comparison approach and the cost approach but gave primary emphasis to the sales comparison approach for estimating the market value of the subject property. Using the cost approach, the appraiser estimated a market value of \$604,633. Under the sales comparison approach, the appraiser considered three comparable properties. Comparable sale #1 sold in June 2006 for \$585,000; comparable sale #2 sold in January 2005 for \$749,000; and comparable sale #3 sold in September 2005 for \$750,000. The comparable properties are improved with two-story frame or stucco dwellings that range in age from 10 to 56 years old and range in size from 2,608 to 3,110 square feet of

living area. After identifying differences between the comparable properties and the subject, the appraiser made adjustments to two of the three sale prices. As a result, the sale price of comparable sale #1 was adjusted upward by \$10,000 to \$595,000, and the sale price of comparable sale #2 was adjusted downward by \$175,000 to \$574,000. The sale price of comparable sale #3 was not adjusted and remained at \$750,000. After considering these three comparable sales, the appraiser estimated the subject had a market value of \$600,000. The appellant's counsel requested that the three-year median level of assessments on class 2 property of 10.12% in Cook County be applied to the appraiser's finding of market value and that the subject's total assessment be reduced to \$60,720.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$77,810 was disclosed. The subject's assessment reflects a market value of \$775,000 or \$258.51 per square foot of living area, land included, using the 2007 three-year median level of assessments for Cook County Real Property Assessment Classification Ordinance Class 2 property of 10.04% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.59(c)(2)).

The board of review presented descriptions and assessment information on four comparable properties consisting of two-story masonry or frame and masonry dwellings that range in age from two to fifty-six years old. The comparables have the same assigned neighborhood and classification codes as the subject. The dwellings range in size from 2,476 to 3,476 square feet of living area. One dwelling has a partial finished basement, and three have unfinished basements, either full or partial. Each comparable has central air conditioning, one or two fireplaces, and a garage. These properties have improvement assessments ranging from \$23.16 to \$27.28 per square foot of living area. As part of its evidence, the board of review also disclosed that comparable one sold in July 2004 for \$948,000 or for \$272.73 per square foot of living area, land included; comparable two sold in June 2007 for \$793,500 or for \$320.48 per square foot of living area, land included; and comparable four sold in May 2007 for \$491,500 or for \$185.89 per square foot of living area, land included. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's attorney noted that the board of review had submitted "three unadjusted raw sales". Counsel also requested that the 2007 three-year median level of assessments on class 2 property of 10.04% in Cook County be applied to the appraiser's finding of market value and that the subject's total assessment be reduced to \$60,240.

After reviewing the record and considering the evidence, the Board finds it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds the evidence in the record does not support a reduction in the subject's assessment.

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 (3rd Dist. 2002). Proof of market value may consist of an appraisal of the subject property, a recent sale of the subject property or comparable sales. (86 Ill.Admin.Code 1910.65(c)). After an analysis of the evidence in the record, the Board finds a reduction in the subject's assessment is not warranted.

In this appeal, the appellant submitted an appraisal that gave primary emphasis to the sales comparison approach to value. The appraiser analyzed three comparable sales in order to estimate the subject's market value; however, two of these sales occurred in 2005. The board of review submitted four equity comparables and also included sale prices for three of these comparables. One of these sales occurred in 2004. The Board gives more weight in its analysis to the appraisal's comparable sale #1 and the board of review's comparables two and four. The Board finds these properties sold more proximate in time to the assessment date at issue. The appraisal's comparable sale #1 sold in June 2006 for \$585,000 or for \$224.31 per square foot of living area; the board of review's comparable #2 sold in June 2007 sold for \$793,500 or for \$320.48 per square foot of living area; and the board of review's comparable #4 sold in May 2007 for \$491,500 or for \$185.89 per square foot of living area. The subject has a total assessment of \$77,810. The subject's assessment reflects a market value of \$775,000 or \$258.51 per square foot of living area when using the 2007 three-year median level of assessments for Cook County Real Property Assessment Classification Ordinance Class 2 property of 10.04% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.59(c)(2)). The subject's assessment reflects a market value that falls within the range established by the best sales in the record. Based on the evidence contained in the record, the Board finds no change in the assessment is justified.

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 J. Huff

Member

Mario Morris

Member

Shawn R. 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: May 20, 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.