



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

APPELLANT: Brad Schmarak
DOCKET NO.: 07-24929.001-R-1
PARCEL NO.: 05-07-112-041-0000

The parties of record before the Property Tax Appeal Board are Brad Schmarak, the appellant(s), by attorney David C. Dunkin, of Arnstein & Lehr 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: \$24,418
IMPR: \$81,002
TOTAL: \$105,420**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 10,901 square foot parcel of land improved with a masonry, single-family dwelling with three and one-half baths, a full unfinished basement, two fireplaces, and a two-car garage. The appellant argued that the market value of the subject property is not accurately reflected in its assessed value.

In support of this overvaluation argument, the appellant submitted an appraisal undertaken by Jason S. Goldberg. The report indicates Jason S. Goldberg is a State of Illinois certified general appraiser. The appraiser indicated the subject has an estimated market value of \$1,050,000 as of January 1, 2007. The appraisal report utilized the sales comparison approaches to value to estimate the market value for the subject property. The appraisal report included exterior photographs of the subject's improvement and comparables, location map, and floor plan. The appraisal finds highest and best use in its present use.

The appraisal stated that the subject was improved with a 16-year old, two-story, masonry, single-family dwelling containing 3,510 square feet of living area. The dwelling is in overall average condition.

Under the sales comparison approach, the appraiser analyzed the sale of three, single-family dwellings located within the subject's market. The properties contain between 2,505 and 3,127 square feet of living area. The comparables sold from February 2006 to September 2006 for prices ranging from \$1,050,000 to \$1,177,000 or from \$350.82 to \$429.14 per square foot of living area. Based on the similarities and differences of the comparables when compared to the subject, the appraiser estimated the value for the subject under the sales comparison approach was \$1,050,000. Based upon this data, the appellant requested a reduction in the subject's market value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$137,406 was disclosed. This assessment reflects a market value of \$1,368,586 using the Illinois Department of Revenue's 2007 three-year median level of assessment for class 2 property of 10.04%. The board of review stated that the subject is a 13-year old single-family dwelling containing 3,483 square feet of living area with no further information regarding calculation of square footage or age. In support of the subject's assessment, the board of review submitted descriptions and assessment information for one property located within the subject's neighborhood. This property is described as a two-story, frame, single-family dwellings with two and one-half baths, a full unfinished basement, one fireplace, and air conditioning. The property contains 2,452 square feet of living area, is 7 years-old, and has an improvement assessment of \$37.84 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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, 331 Ill.App.3d 1038 (3d Dist. 2002; Winnbago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d (2d 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 Board concludes that the evidence indicates a reduction in the subject's assessment is warranted.

The board of review has not provided any further evidence regarding calculation of age and square footage whereas, the appraiser has stated in the appraisal that he personally inspected the property and included a floor plan including measurements. Therefore, based on the appraisal's measurements the square footage shall be 3,510 regarding PTAB's analysis.

In determining the fair market value of the subject property, the Board finds that best evidence is the appellant's appraisal of the subject in January 2007 for \$1,050,000. The Board finds this appraisal to be persuasive because the appraiser personally inspected the interior and exterior of the subject property, and utilized market data to obtain sales comparables while providing sufficient detail regarding each sale in estimating the subject's market value.

Based on this record, the PTAB finds that the subject property has a market value of \$1,050,000 for the 2007 assessment year. Since market value has been determined, Cook County Real Property Classification Ordinance Level of Assessment for class 2 residential property of 10.04% shall apply and 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.

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: June 22, 2012

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.