



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

APPELLANT: Max & Megan Dezara
DOCKET NO.: 07-24969.001-R-1
PARCEL NO.: 14-30-404-084-0000

The parties of record before the Property Tax Appeal Board are Max and Megan Dezara, the appellants, 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: \$15,069
IMPR: \$192,391
TOTAL: \$207,460

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a three-story single family dwelling of masonry construction that contains 5,234 square feet of living area. The dwelling was constructed in 2004. Features of the home include a slab foundation, central air conditioning, two fireplaces and a three-car attached garage. The subject property has a 4,235 square foot site and is located in Chicago, Lake View Township, Cook County. The property is classified as a class 2-09 residential property under the Cook County Real Property Assessment Classification Ordinance.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal prepared by Kim Pollock a State of Illinois Certified Residential Appraiser. In estimating the market value of the subject property the appraiser developed the cost approach to value and the sales comparison approach to value. Under the cost approach the appraiser estimated the subject property had a market value of \$2,065,500. Under the sales comparison approach the appraiser used three comparable sales and one comparable listing to estimate the subject property had a market value of \$2,050,000. In reconciling the two approaches to value the appraiser gave

most weight to sales comparison approach and estimated the subject property had a market value of \$2,050,000 as of February 17, 2005.

The appellants' counsel requested an assessment ratio of 8.15% be applied to the market value finding and that the assessment be reduced to \$167,075.

The appellant also made reference that the subject property was the subject matter of an appeal before the Property Tax Appeal Board the prior tax year under Docket Number 06-23875.001-R-1. The Property Tax Appeal Board takes notice that for the prior tax year it determined the subject's assessment should be reduced to \$207,460 based on the evidence submitted by the parties. (86 Ill.Admin.Code 1910.90(i).)

The board of review submitted its "Board of Review Notes on Appeal" wherein the final assessment of the subject totaling \$240,757 was disclosed. The subject's assessment reflects a market value of \$2,397,978 when using the 2007 three year average median level of assessments for class 2 property of 10.04% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code §1910.50(c)(2)).

In support of the assessment the board of review submitted information on one comparable property to demonstrate the subject property was being equitably assessed. The comparable was improved with a two-story single family dwelling of masonry construction that contains 5,180 square feet of living area. The dwelling is approximately 3 years old. Features of the home include a full basement finished with a recreation room, central air conditioning, one fireplace and a two-car detached garage. This property had a total assessment of \$247,789 and an improvement assessment of \$227,553 or \$43.93 per square foot of living area. The subject has an improvement assessment of \$225,688 or \$43.12 per square foot of living area.

The board of review also submitted an "Addendum to Notes on Appeal" stating that it was not submitting assessment level evidence pursuant to 86 Ill.Admin.Code §1910.50(c)(2).

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 the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellants contend 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, comparable sales or construction costs. (86 Ill.Admin.Code

§1910.65(c)). The Board finds the appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value in the record is the appraisal estimating the subject property had a market value of \$2,050,000 as of February 17, 2005. The appraised value is less than the market value reflected by the assessment. The board of review submitted no market data or market value evidence to support the subject's assessment or to refute the market value evidence proffered by the appellants. Based on this record the Property Tax Appeal Board finds the subject property had a market value of \$2,050,000 as of January 1, 2007.

Additionally, the record disclosed the subject property was the subject matter of an appeal before the Property Tax Appeal Board the prior tax year under Docket Number 06-23875.001-R-1 in which the Board determined the subject's assessment should be reduced to \$207,460 based on the same evidence as in this record. Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

The Property Tax Appeal Board finds that the assessment as established for the prior tax year should be carried forward to the 2007 tax year pursuant to section 16-185 of the Property Tax Code. The record indicates the property is an owner occupied residence; the record contains no evidence indicating the subject property sold in an arm's length transaction subsequent to the Board's decision; and the Board takes notice that tax years 2006 and 2007 are within the same general assessment period for Lake View Township. For these reasons the Property Tax Appeal Board finds a reduction in the subject's assessment is warranted to reflect the Board's finding in the prior tax year.

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

Marko M. Louie

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: March 23, 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.