



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

APPELLANT: Daniel Malinowski
DOCKET NO.: 07-25738.001-R-1
PARCEL NO.: 05-33-117-057-0000

The parties of record before the Property Tax Appeal Board are Daniel Malinowski, 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: \$ 13,464
IMPR.: \$ 26,596
TOTAL: \$ 40,060

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of frame and masonry construction containing 1,706 square feet of living area. The dwelling is 52 years old. Features of the home include four bedrooms, two bathrooms, a partial finished basement, and a two-car detached garage. The dwelling is located in Wilmette, New Trier 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 a market survey in which a listing price of \$399,000 was recommended for the subject property. The realtor did not develop any of the three approaches to value; instead, the realtor gave an opinion on what the subject should list for and what it might sell for. The realtor also provided printouts of seven properties that sold from October 2006 through August 2007 for prices that ranged from \$333,500 to \$469,000. All of these properties were one-story dwellings like the subject, and all were located in Wilmette. In the brief, the appellant's counsel requested that the 10% level of assessments on class 2 property in Cook County be applied to the realtor's finding of market value and that the subject's total assessment be reduced to \$39,900.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$52,756 was disclosed. The subject's assessment reflects a market value of \$525,458 or \$308.01 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 no market value evidence. Instead, the board of review presented descriptions and assessment information on four comparable properties consisting of one-story frame and masonry dwellings that range from 48 to 52 years old. The comparables have the same assigned neighborhood and classification codes as the subject. The dwellings range in size from 1,592 to 1,700 square feet of living area. One dwelling has a full finished basement, and three have unfinished basements, either full or partial. Each comparable has central air conditioning; two comparables have a fireplace; and three have a two-car garage. These properties have improvement assessments ranging from \$24.66 to \$25.50 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 Board finds 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 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 warranted.

The Board finds the appellant's market survey is the best evidence of the subject's market value as of the January 1, 2007 assessment date. The realtor completed a market survey and recommended a listing price of \$399,000 for the subject property. The appellant's attorney used that recommendation as an estimate of the subject's market value as of January 1, 2007. The subject's assessment reflects a market value of \$525,458 and is in excess of the market value estimate contained in the market survey. The board of review submitted four equity comparables but did not address the overvaluation argument. Thus, the Board finds that the board of review did not refute the appellant's market value conclusion contained in the market survey. Based on this record, the Board finds the subject had a market value of

\$399,000 as of January 1, 2007, and 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 shall apply. (86 Ill.Admin.Code 1910.59(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 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: 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.