



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

APPELLANT: Michael Canmann
DOCKET NO.: 07-25951.001-R-1
PARCEL NO.: 05-20-318-035-0000

The parties of record before the Property Tax Appeal Board are Michael Canmann, the appellant(s), by attorney Arnold G. Siegel, of Siegel & Callahan, P.C. 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: \$ 97,672
IMPR.: \$124,776
TOTAL: \$222,448

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property has 46,958 square feet of land, which is improved with a 58 year old, two-story, masonry, single-family dwelling containing 4,995 square feet of living area. The dwelling contains six and two one-half baths, a partial unfinished basement, two fireplaces, and a three-car garage. The appellant, via counsel, argued that the fair market value of the subject was not accurately reflected in its assessed value.

In support of the market value argument, the appellant submitted an appraisal undertaken by David Conaghan of Property Valuation Services. Mitchell J. Perlow is listed as the supervising appraiser. The report states that Conaghan and Perlow are both licensed as State of Illinois certified general real estate appraisers. The appraisers stated that the subject has an estimated market value of \$1,650,000 as of January 1, 2007. The appraisal report utilized the cost approach to value and the sales comparison approach to value to estimate the market value for the subject property. The appraisal states that Conaghan personally inspected the property, and that the subject's highest and best use as improved is its present use.

Under the cost approach to value, the appraiser used the extraction method to estimate the subject's land value at

\$1,200,000. The improvement's replacement cost new was estimated to be \$1,630,125 using the Marshall Valuation Service. The appraiser deducted 27% from the replacement cost new to account for depreciation of the improvement. The appraiser then estimated that there were \$50,000 worth of "as-is" site improvements on the subject. The appraiser then added the estimated land value, the depreciated improvement value, and the value of the other site improvements to arrive at a value under the cost approach to value of \$1,690,000, rounded.

Under the sales comparison approach, the appraiser analyzed the sales of five comparables, described as two-story or three-story, masonry or frame and masonry, single-family dwellings that range in age from 85 to 66 years old, and in size from 3,690 to 6,662 square feet of living area. These sales comparables sold from October 2005 to August 2007 for prices ranging from \$1,050,000 to \$2,300,000, or from \$284.55 to \$345.24 per square foot of living area. The appraiser adjusted each of the comparables for pertinent factors. Based on the similarities and differences of the comparables when compared to the subject, the appraisers estimated a value for the subject under the sales comparison approach of \$1,650,000, rounded.

The income approach to value was not developed for the appraisal. The appraisers stated that the sales comparison approach to value is considered the most reliable, and therefore, is given the most weight when appraising a single-family dwelling. Thus, the appraisers concluded that the subject's appraised value was \$1,650,000 as of January 1, 2007.

The appellant also stated that the subject sold in June 2005, but that this sale does not represent the true market value of the subject, and should not be considered. The appellant submitted a signed and notarized affidavit stating that he would not have purchased the property in 2005 for the price he paid, had he known the poor condition of the subject's improvement prior to the purchase. The appellant also asserted that the real estate "melt down" decreased the market value of the subject significantly. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$222,448.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$322,447 was disclosed. The subject's final assessment reflects a fair market value of \$3,211,624 when the 2007 Illinois Department of Revenue three-year median level of assessment for Class 2 properties of 10.04% is applied. In support of the subject's assessment, the board of review presented descriptions and assessment information on three suggested comparables described as two-story, masonry, single-family dwellings that range in age from 20 to 51 years old, and in size from 4,129 to 4,416 square feet of living area. The comparables have from two and two one-half to five and one-half baths, either two or three fireplaces, and either a two-car to a three and one-half-car garage. One of the dwellings has a full unfinished basement, while the remaining three

dwellings have a full basement with a formal recreation room. Three of the dwellings have air conditioning. The comparables have improvement assessments ranging from \$46.43 to \$57.24 per square foot of living area. The board of review's pleadings also state that the subject sold in June 2005 for \$3,275,000, or \$655.66 per square foot of living area, land included.

The board of review also submitted a list of sales of properties located within the subject's neighborhood. This list included the PIN, deed number, the date of the sale, and the sale price for twenty properties. No other information was given regarding these properties. Based on this evidence, the board requested confirmation of the subject's assessment.

In rebuttal, the appellant affirmed the evidence previously submitted, and waived the original request for an oral hearing.

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. Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 339 Ill. App. 3d 529, 545 (1st Dist. 2002); National City Bank of Michigan/Illinois v. Prop. Tax Appeal Bd., 331 Ill. App. 3d 1038, 1042 (3d Dist. 2002) (citing Winnebago Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 313 Ill. App. 3d 179 (2d Dist. 2000)); 86 Ill. Admin. Code § 1910.63(e). 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. Calumet Transfer, LLC v. Prop. Tax Appeal Bd., 401 Ill. App. 3d 652, 655 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(c). Having considered the evidence presented, the Board concludes that the evidence indicates a reduction is warranted.

In determining the fair market value of the subject property, the Board finds the best evidence to be the appellant's appraisal. The appellant's appraisers utilized the cost approach to value and the sales comparison approach to value in determining the subject's market value. The Board finds this appraisal to be persuasive because the appraisers has experience in appraising, personally inspected the subject property and reviewed the property's history, and used similar properties in the sales comparison approach while providing adjustments that were necessary. The Board gives little weight to the board of review's comparables as the information provided was unadjusted raw sales data.

Therefore, the Board finds the appraisal submitted by the appellant supports the appellant's requested assessment amount, and the Board finds a reduction to this requested amount of \$222,448 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: August 28, 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.