



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

APPELLANT: Isabel Gallagher  
DOCKET NO.: 07-26145.001-R-1  
PARCEL NO.: 05-20-407-067-0000

The parties of record before the Property Tax Appeal Board are Isabel Gallagher, the appellant, by attorney Sonja R. Johnson, of Much Shelist 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: \$62,608  
IMPR: \$163,292  
TOTAL: \$225,900**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a 2-story dwelling of masonry construction containing 5,134 square feet of living area. The dwelling is 36 years old. Features of the home include a partial, unfinished basement, central air conditioning, 2 fireplaces and a 3-car garage.

The appellant submitted evidence before the Property Tax Appeal Board claiming both unequal treatment in the assessment process and overvaluation as the bases of the appeal.

In support of the overvaluation argument, the appellant submitted an appraisal prepared by real estate appraiser Carol Westerman estimating the subject property had a market value of \$2,250,000 as of August 30, 2006.

The appraiser did not include a schematic drawing, but reported the subject dwelling contains 6,143 square feet of living area. This is contrary to the appellant's statement of size and the property characteristics sheet.

Using the cost approach, the appraiser estimated the subject's land value at \$1,500,000 using limited land sales/tear downs coupled with the abstraction method, which involves studying land

to improvement assessment ratios and applying them to the subject. The appraiser determined a replacement cost new for the subject dwelling at 6,143 square feet of living area plus basement, enclosed porch, and garage, of \$1,058,150. The appraiser applied physical and external depreciation of \$321,061. Thus, under the cost approach, adding back the land value plus \$30,000 for site improvements, the appraiser estimated a market value of \$2,267,100, rounded, for the subject.

Under the sales comparison approach, the appraiser used sales of four properties ranging in proximity from less than one block to one mile from the subject. The four comparables were described as 2-story dwellings of frame, masonry or frame and masonry construction ranging in age from 40 to 80 years old. All comparables featured full or partial, finished basements, one of which included a pool. Three had central air conditioning, and three had fireplaces. All had 2 or 3-car garages. The four comparables sold between January and July 2006 for prices ranging from \$2,325,000 to \$2,500,000, or from \$361.21 to \$523.56 per square foot of living area including land.

In comparing the comparable properties to the subject, the appraiser made adjustments for location, site, view, quality, age, condition, room count, size, basement, basement finish, garage size, porches, fireplaces and kitchen/bath finishes. The analysis resulted in adjusted sales prices for the comparables ranging from \$2,122,900 to \$2,341,500 or from \$349.58 to \$490.37 per square foot of living area including land. From this process, the appraiser estimated a value for the subject by the sales approach of \$2,250,000 or \$366.27 per square foot of living area including land based on the appraiser's size determination of 6,143 square feet of living area.

In her final reconciliation, the appraiser concluded an estimate of value of \$2,250,000 since the sales comparison approach best reflects typical actions of buyers and sellers.

Based on the foregoing evidence, the appellant requested a reduction in the subject's improvement assessment to \$165,092 or \$32.16 per square foot of living area. The appellant's total reduced assessment request of \$227,700 reflects a market value of \$2,267,928 when applying the 2007 three year median level of assessments for class 2 residential property under the Cook County Real Property Classification Ordinance of 10.04% as determined by the Illinois Department of Revenue.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$276,080 was disclosed. The subject assessment reflects a market value of \$2,749,800 or \$535.61 per square foot of living area including land using the 2007 three year median level of assessments.

In support of the subject's assessment, the board of review presented descriptions and assessment information on four comparable properties consisting of 2-story masonry dwellings

that range in age from 28 to 46 years old. The dwellings range in size from 5,339 to 5,758 square feet of living area. All comparables feature full or partial basements, one of which is finished. All comparables feature central air conditioning, 2 or 4 fireplaces and 2, 2½, or 3-car garages. These properties have improvement assessments ranging from \$42.06 to \$45.00 per square foot of living area. The only sales data presented by the board of review was a sheet setting forth parcel numbers, dates of sale and sale amounts for 20 properties. No details or characteristics for the individual properties were presented. The sales occurred between January 1992 and September 2007 for prices ranging from \$190,000 to \$4,400,000. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant reiterates that the appeal is based primarily on the appraisal of the subject and inequity.

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.

The appellant argued overvaluation as a basis of the appeal. When market value is the basis of the appeal, the value must be proven by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill. App. 3d 179, 183, 728 N.E.2d 1256 (2<sup>nd</sup> Dist. 2000). After analyzing the market evidence submitted, the Board finds the appellant has overcome this burden.

The appellant presented an appraisal which relied primarily upon four comparable sales which were similar to the subject in style, location and features. The board of review did not present sales data that could be analyzed for similarities to the subject. Although there is a discrepancy between the square footage in the appraisal and the square footage on the property characteristics sheet, the Property Tax Appeal Board finds the best evidence of the subject's fair market value is the appraisal submitted by the appellant estimating a market value for the subject property of \$2,250,000 as of August 30, 2006, using two of the three traditionally accepted approaches to value. The board of review did not dispute this valuation. Based on this record, the Property Tax Appeal Board finds the subject property has a fair cash value of \$2,250,000 as of August 30, 2006. The subject's assessment reflects an estimated market value of \$2,749,800, which is not supported by the most credible valuation evidence contained in this record. Therefore a reduction in the subject's assessed valuation is supported.

The appellant also argued unequal treatment in the assessment process. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must

demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After considering the assessment reduction granted to the subject property for market value considerations, the Board finds the subject property is equitably assessed and no further reduction in the subject's assessment is warranted based on the principals of uniformity.

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 P. 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: December 23, 2010

*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.