



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

APPELLANT: Howard Galler
DOCKET NO.: 07-26344.001-R-1
PARCEL NO.: 05-16-105-012-0000

The parties of record before the Property Tax Appeal Board are Howard Galler, the appellant, by attorney Terry L. Engel, of Deutsch Levy & Engel 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: \$ 53,952
IMPR.: \$ 96,648
TOTAL: \$ 150,600

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of an 18,477 square foot parcel improved with a 38-year-old, two-story, single-family dwelling of masonry construction containing 5,105 square feet of living area and located in New Trier Township, Cook County. Features of the residence include three full bathrooms, two half-baths, a full-unfinished basement, two fireplaces, central air-conditioning and a two-car attached garage.

The appellant, through counsel, submitted evidence before the Property Tax Appeal Board claiming the subject's market value is not accurately reflected in its assessment. In support of this claim, the appellant submitted a summary appraisal report prepared by John G. McMahon of McMahon, Baldwin and Associates, Inc., in Lombard, Illinois. The appraisal revealed that McMahon is a State of Illinois certified real estate appraiser. The appraisal disclosed that McMahon made an exterior inspection of the subject property as well as the comparables used in the report. The appraiser utilized the sales comparison approach to

estimate a market value of \$1,500,000 for the subject as of January 1, 2007.

In the sales comparison approach to value, the appraiser employed the sales of three properties located within Winnetka, Illinois, like the subject. The comparables consist of multi-story, single-family dwellings of masonry or frame and masonry construction. The lots range in size from 14,198 to 17,440 square feet. The improvements range in size from 4,209 to 5,440 square feet of living area and range in age from 16 to 84 years old. The comparables sold between July 2005 and January 2006 for prices ranging from \$1,300,000 to \$1,670,000, or from \$306.99 to \$335.66 per square foot, including land. After making adjustments, the appraiser concluded a value for the subject via the sales comparison approach of \$1,500,000 as of January 1, 2007.

In the report, the appraiser disclosed that neither deferred maintenance nor external obsolescence were noted. The report also disclosed that the appraiser did not measure the subject's living area but relied on data from the Cook County Assessor's Office. Based on the evidence submitted, the appellant requested an assessment reflective of a fair market value for the subject of \$1,500,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$240,000 was disclosed. The assessment reflects a total market value of \$2,390,438 for the subject, when the 2007 Illinois Department of Revenue's three-year median level of assessments of 10.04% for Class 2 property, such as the subject, is applied. In support of the assessment the board submitted property characteristic printouts and descriptive data on four properties suggested as comparable to the subject. The suggested comparables are improved with two-story, single-family dwellings of masonry construction with the same neighborhood code as the subject. The improvements range in size from 5,149 to 5,854 square feet of living area and range in age from 68 to 91 years old. The comparables contain from three and one-half to five and one-half bathrooms, multiple fireplaces and a two-car attached garage. Three comparables have a full-unfinished basement and three comparables have central air-conditioning. The improvement assessments range from \$36.35 to \$38.90 per square foot of living area. Based on the evidence presented, 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.

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); Winnebago County Board of

Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arms-length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. (86 Ill.Adm.Code §1910.65(c)) Having considered the evidence presented, the Board finds the appellant has satisfied this burden and a reduction is warranted.

The Property Tax Appeal Board finds the best evidence of market value in the record is the summary appraisal report provided by the appellant. In addition, the Board finds that the board of review did not present any evidence or argument refuting the appellant's appraisal report. Thus, the Board finds the subject had a fair market value of \$1,500,000 as of January 1, 2007. Since fair market value has been established, the 2007 Illinois Department of Revenue's three-year median level of assessments of 10.04% for Class 2 property 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank J. Huff

Member

Mario Morris

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: May 20, 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.