



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

APPELLANT: C. James Ehlert
DOCKET NO.: 07-27271.001-R-1
PARCEL NO.: 01-09-204-022-0000

The parties of record before the Property Tax Appeal Board are C. James Ehlert, the appellant(s), by attorney Joanne Elliott, of Elliott & Associates, P.C. in Des Plaines; 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: \$43,281
IMPR: \$161,033
TOTAL: \$204,314

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 360,677 square foot parcel of land improved with a 16-year old, two-story, masonry, single-family dwelling containing five and four-half baths, air conditioning, three fireplaces, and a full, finished basement. The appellant argued both unequal treatment in the assessment process and that the market value of the subject property is not accurately reflected in the property's assessed valuation as the bases of this appeal.

In support of the market value argument, the appellant submitted an appraisal authored by Arthur K. Klemp of Realty Valuation Services, Inc. The report indicates Klemp is a State of Illinois licensed general appraiser. The appraiser indicated the subject has an estimated market value of \$2,035,000 as of August 30, 2006. The appraisal report utilized the sales comparison and cost approaches to value to estimate the market value for the subject property. The appraisal states the property contains 8,503 square feet of living area based on an inspection along with a sketch of the subject's improvement included in the appraisal.

Under the cost approach, the appraiser estimated the land at \$300,000 and the replacement cost new at \$1,995,610. Depreciation of 10% based on the age/life method was deducted and site improvements of \$50,000 and the land value were added to arrive at an estimate of value under the cost approach of \$2,171,000.

Under the sales comparison approach, the appraiser analyzed the sales of three properties located within the subject's market. The properties sold from May to June 2005 for prices ranging from \$1,400,000 to \$2,650,000, or from \$279.11 to \$411.87 per square foot of living area, including land. The appraiser adjusted each of the comparables for pertinent factors. Based on the similarities and difference of the comparables when compared to the subject, the appraiser estimated a value for the subject under the sales approach of \$2,035,000.

In reconciling the values, the appraiser gave the most consideration to the sales comparison approach to arrive at a value for the subject on August 30, 2006 of \$2,035,000.

In support of the equity argument, the appellant submitted descriptions and assessment information on a total of four properties suggested as comparable and located within the subject's neighborhood. The properties are described as two-story, masonry or frame, single-family dwellings with between four and one-half and six and two-half baths, air conditioning, two, three or four fireplaces, and a full basement for three properties. The properties range: in age from 7 to 32 years; in size from 8,070 to 8,882 square feet of living area; and in improvement assessment from \$12.73 to \$16.39 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$232,321 with an improvement assessment of \$189,040 or \$19.10 per square foot of living area was disclosed. This assessment reflects a market value of \$2,313,954 using the Illinois Department of Revenue's 2007 three year median level of assessment of 10.04% for Cook County Class 2 property. In support of the subject's assessment, the board of review presented descriptions and assessment information on a total of four properties suggested as comparable and located within the subject's neighborhood. The properties are described as two-story, masonry, single-family dwellings with between four and one-half and five and two-half baths, air conditioning, three or four fireplaces, and a full basement with three finished. The properties range: in age from 13 to 36 years; in size from 6,546 to 10,071 square feet of living area; and in improvement assessment from \$19.32 to \$20.03 per square foot of living area. The board's evidence states the subject contains 9,895 square feet 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 Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds a reduction in the subject's assessment is warranted.

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331Ill.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 arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code 1910.65(c). Having considered the evidence presented, the PTAB concludes that the evidence indicates a reduction based on market value is warranted.

As to the subject's size, the PTAB finds the appellant submitted sufficient evidence to show that the subject property contains 8,503 square feet of living area. The appraiser inspected the subject and included a sketch of the floor plan along with the dimensions.

In determining the fair market value of the subject property, the PTAB finds the best evidence to be the appellant's appraisal. The appellant's appraiser utilized the cost and sales comparison approaches to value in determining the subject's market value. The PTAB finds this appraisal to be persuasive for the appraiser: 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 sufficient detail regarding each sale as well as adjustments that were necessary.

The PTAB gives little weight to the board of review's comparables as the market information provided was assessment information.

Therefore, the PTAB finds that the subject property had a market value of \$2,035,000 for the 2007 assessment year. Since the market value of the subject has been established, the Illinois Department of Revenue's 2007 three year median level of assessment of 10.04% for Cook County Class 2 property will apply. In applying this level of assessment to the subject, the total assessed value is \$204,314 while the subject's current total assessed value is above this amount. Therefore, the PTAB finds that a reduction is warranted. The PTAB further finds that once this new assessed value is applied, the subject is equitably assessed.

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 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: September 21, 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.