



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

APPELLANT: Donald Andrews  
DOCKET NO.: 07-27384.001-R-1  
PARCEL NO.: 04-24-102-038-0000

The parties of record before the Property Tax Appeal Board are Donald Andrews, the appellant(s), by attorney Allen A. Lefkovitz, of Allen A. Lefkovitz & Assoc. 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:** \$28,021  
**IMPR.:** \$49,789  
**TOTAL:** \$77,810

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property has 41,342 square feet of land, which is improved with a 48 year old, one-story, frame and masonry, single-family dwelling with 2,787 square feet of living area. The dwelling contains two and one-half baths, a partial unfinished basement, air conditioning, two fireplaces, and a four-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 two appraisals. The first appraisal was undertaken by Bowen Schumacher of Schumacher Associates. (the "2005 Appraisal"). The report states that Schumacher is licensed as a State of Illinois certified residential real estate appraiser. The appraiser stated that the subject has an estimated market value of \$775,000 as of March 2, 2005. The 2005 Appraisal utilized the sales comparison approach to value to estimate the market value for the subject property. The 2005 Appraisal states that Schumacher personally inspected the property, and that the subject's highest and best use as improved is its present use.

Under the sales comparison approach, the appraiser analyzed the sales of three comparables and one active listing, which are

described as one-story, masonry or frame and masonry, single-family dwellings that range in age from 44 to 65 years old, and in size from 1,310 to 2,750 square feet of living area. These comparables have from two to three baths, either one or two fireplaces, and either a one-car or a two-car garage. Additionally, all of the comparables have air conditioning. The sales comparables sold from June 2004 to March 2005 for prices ranging from \$635,000 to \$785,000, or from \$285.45 to \$484.73 per square foot of living area, including land. The listing is listed at \$775,000, or \$329.79 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 appraiser estimated a value for the subject under the sales comparison approach of \$775,000.

The cost approach to value and the income approach to value were not developed for the 2005 Appraisal. The appraiser 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 appraiser concluded that the subject's appraised value was \$775,000 as of March 2, 2005.

The second appraisal was also undertaken by Bob Parsons of Rick Hiton & Associates (the "2009 Appraisal"). The report states that Parsons is licensed as a State of Illinois certified residential real estate appraiser. The appraiser stated that the subject has an estimated market value of \$875,000 as of April 23, 2009. The 2009 Appraisal report utilized the sales comparison approach to value to estimate the market value for the subject property. The 2009 Appraisal states that Parsons personally inspected the property, and that the subject's highest and best use as improved is its present use.

Under the sales comparison approach, the appraiser analyzed the sales of four comparables and one listing, which are described as one-story or two-story, frame or masonry, single-family dwellings that range in age from 47 to 72 years old, and in size from 2,481 to 3,485 square feet of living area. These comparables have from two and two one-half to four baths, from one to four fireplaces, and either a full unfinished basement, a partial finished basement, or a slab. Additionally, all of the comparables have air conditioning, and a two-car garage. The sales comparables sold from April 2008 to September 2008 for prices ranging from \$850,000 to \$1,225,000, or from \$260.10 to \$377.87 per square foot of living area, including land. The listing is listed for \$995,000, or \$373.50 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 appraiser estimated a value for the subject under the sales comparison approach of \$875,000.

The cost approach to value and income approach to value were not developed for the 2009 Appraisal. The appraiser 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 appraiser concluded that the subject's appraised value was \$875,000 as of April 23, 2009.

The appellant requested that the Property Tax Appeal Board (the "Board") use the concept of "trending" to arrive at an assessment in this case, using the two appraisals as baselines. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$109,829 was disclosed. The subject's final assessment reflects a fair market value of \$1,093,914 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 four suggested comparables described as one-story, frame and masonry, single-family dwellings that range in age from 46 to 51 years old, and in size from 2,649 to 2,985 square feet of living area. The comparables have either two and one-half or three baths, and either one or two fireplaces. All of the comparables have a partial unfinished basement, and air conditioning, while three have a two-car garage. The comparables have improvement assessments ranging from \$28.87 to \$32.47 per square foot of living area.

The board of review's grid sheet states that Comparable #1 sold in July 2006 for \$790,000, or \$284.07 per square foot of living area, and that Comparable #2 sold in June 2007 for \$1,245,000, or \$469.99 per square foot of living area. 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 further information was provided regarding these properties. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant, represented by Allen A. Lefkovitz and Chris D. Sarris, re-affirmed the evidence previously submitted. Mr. Sarris also stated that the subject's 2009 assessment was \$87,500, but was unable to provide the Board with any evidence of that assessment. Mr. Sarris also argued that the Board should use trending to determine the subject's assessment for tax year 2007, using the two appraisals as baselines.

The Cook County Board of Review Analyst, Paul Lee, then testified that for tax year 2007, the assessment level for class 2 properties, such as the subject, was 16% of the property's fair market value. Mr. Lee testified that, using the 2005 Appraisal and 2009 Appraisal, the subject's market value under the 16% assessment level was \$124,000 and \$140,000, respectively. Both of these values are above the subject's assessed value of \$109,829, Mr. Lee argued.

On cross-examination, Mr. Lee testified that the four comparables submitted by the board of review were submitted in response to an equity argument.

After reviewing the record, hearing the testimony, and considering the evidence, the 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 2005 Appraisal. The appellant's appraiser utilized the sales comparison approach to value in determining the subject's market value. The Board finds this appraisal to be persuasive because 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 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 subject had a market value of \$775,000 for tax year 2007. Since the market value of this parcel has been established, the 2007 Illinois Department of Revenue three-year median level of assessment for Class 2 property of 10.04% will apply. In applying this level of assessment to the subject, the total assessed value is \$77,810 while the subject's current total assessed value is above this amount. Therefore, the Board finds that 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 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: October 19, 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.