FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: John J. Butera
DOCKET NO.: 07-28397.001-R-1
PARCEL NO.: 01-34-200-010-0000

The parties of record before the Property Tax Appeal Board are John J. Butera, the appellant, by attorney Eugene P. Griffin, of Eugene L. Griffin & Associates, Ltd. 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:	$ 28,017
IMPR.:	$ 82,423
TOTAL:	$ 110,440

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 58,370 square foot parcel improved with a 14-year-old, 6,561 square foot, two-story, single-family dwelling of masonry construction located in Barrington Township, Cook County. Features of the residence include four and one-half bathrooms, a full-finished basement, two fireplaces, central air-conditioning and a four-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 limited summary appraisal report prepared by Steven P. Spychalski of Metropolitan Valuation Services, Inc. in Chicago, Illinois. The appraisal revealed that Spychalski is a State of Illinois certified real estate appraiser. The appraisal disclosed that Spychalski made an interior and exterior of the subject property as well as an exterior inspection of the comparables. The appraiser determined the subject's highest and best use to be its current use. The

appraiser utilized the sales comparison approach to estimate a market value of $1,100,000 for the subject as of January 1, 2007.

In the sales comparison approach to value, the appraiser employed the sales of five properties located within South Barrington, Illinois, like the subject. The comparables consist of two-story, single-family dwellings of masonry construction built between 1985 and 1998. The lots range in size from 58,906 to 116,436 square feet and the improvements range in size from 4,862 to 8,116 square feet of living area. The comparables sold between July 2005 and August 2006 for prices ranging from $1,045,000 to $1,240,000, including land. After making adjustments, the appraiser concluded a value for the subject via the sales comparison approach of $1,100,000 as of January 1, 2007.

In his report, the appraiser disclosed the sales comparison approach is normally considered an important approach to value because it reflects the actions of buyers and sellers of comparable properties, including both owners/users and investors and exemplifies the basic "Principle of Substitution" which states that no prudent buyer will pay more for a property than the cost of acquiring a comparable property. Therefore, the appraiser accorded the sales comparison approach sole consideration in determining a final value for the subject. Based on the evidence submitted, the appellant requested an assessment reflective of a fair market value for the subject of $1,100,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of $149,396 was disclosed. The assessment reflects a total market value of $1,488,008 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 6,203 to 7,415 square feet of living area and range in age from nine to nineteen years old. The comparables contain three and one-half, four or four and one-half bathrooms, a full-finished basement, central air-conditioning, multiple fireplaces and a four-car attached garage. The improvement assessments range from $18.72 to $19.92 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 limited 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. Moreover, the board of review's evidence does not address the appellant's market value argument. Thus, the Board finds the subject had a fair market value of $1,100,000 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.

Chairman

Member

Member

Member

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: April 22, 2011

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.