



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

APPELLANT: Jimmy Sun
DOCKET NO.: 07-28889.001-R-1 through 07-28889.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Jimmy Sun, the appellant(s), by attorney Arnold G. Siegel, of Siegel & Callahan, 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
07-28889.001-R-1	01-11-105-002-0000	37,165	100,529	\$137,694
07-28889.002-R-1	01-11-105-015-0000	10,496	0	\$ 10,496

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is situated on two PINs, consisting of 520,275 square feet of land, including 212,793 square feet that is underwater and 307,482 square feet of usable land. The subject is improved with a 53 year old, one-story, masonry, single-family dwelling containing 5,013 square feet of living area. The dwelling contains four and one-half baths, a full basement with a formal-recreation room, air conditioning, two fireplaces, and a three-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 an appraisal undertaken by Gregory B. Nold of Property Valuation Services. Mitchell J. Perlow is listed as the supervising appraiser. The report states that Nold is licensed as a State of Illinois certified residential real estate appraiser and that Perlow is licensed as a State of Illinois certified general real estate appraiser. The appraisers stated that the subject has an estimated market value of \$1,370,000 as of January 1, 2007. The appraisal report utilized the cost approach to value and the sales comparison approach to value to estimate the market value for the subject property. The appraisal states that Nold

personally inspected the property, and that the subject's highest and best use as improved is its present use.

Under the cost approach to value, the appraisers used the extraction method to estimate the subject's land value at \$920,000, rounded. This value only included the 307,482 square feet of usable land. The improvement's replacement cost new was estimated to be \$1,725,863 using the Marshall Valuation Service. The appraisers deducted 75% from the replacement cost new to account for depreciation of the improvement. The appraisers then estimated that there were \$40,000 worth of "as-is" site improvements on the subject. The appraisers then added the estimated land value, the depreciated improvement value, and the value of the other site improvements to arrive at a value under the cost approach to value of \$1,390,000, rounded.

Under the sales comparison approach, the appraisers analyzed the sales of five comparables, described as two-story, masonry, single-family dwellings that range in age from 13 to 41 years old, and in size from 3,958 to 5,444 square feet of living area. The comparables have from three and one-half to four and two one-half baths, and either a three-car or a four-car garage. All of the comparables have a full finished basement. These sales comparables sold from May 2006 to December 2007 for prices ranging from \$1,020,000 to \$1,240,000, or from \$188.09 to \$271.60 per square foot of living area, including land. The appraisers adjusted each of the comparables for pertinent factors. Based on the similarities and differences of the comparables when compared to the subject, the appraisers estimated a partial value for the subject under the sales comparison approach of \$1,305,000, rounded. While the unusable land was not considered, the appraisers estimated that 89,680 square feet of the 307,480 square feet of usable land was surplus land, and, therefore, should be appraised at a lesser value per square foot. The surplus land was estimated to be valued at \$67,000, and was added to the subject's partial value for a total value under the sales comparison approach to value of \$1,370,000, rounded.

The income approach to value was not developed for the appraisal. The appraisers 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. The appraisers also stated that the subject "reportedly suffers from high levels of radon gas," and that "[t]he appraised valuation is subject to the presence of radon." Thus, the appraisers concluded that the subject's appraised value was \$1,370,000 as of January 1, 2007. 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" which included information about the PIN where the subject's improvement is located (the "Improved PIN"), but not the second PIN. The information submitted stated that the Improved PIN's final assessment for tax year 2007 was \$174,020. The Improved PIN's final assessment reflects a fair market value

of \$1,733,267 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 three suggested comparables described as one-story, masonry, single-family dwellings that range in age from 41 to 56 years old, and in size from 1,827 to 2,142 square feet of living area. The comparables have from one and one-half to two and one-half baths, and either a full basement with a formal recreation room, or a slab. All of the dwellings have air conditioning, a fireplace, and a two-car garage. The comparables have improvement assessments ranging from \$27.32 to \$29.57 per square foot of living area. The board of review's pleadings also state that the subject sold in October 2005 for \$1,822,119, or \$363.48 per square foot of living area, land included.

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 other information was given regarding these properties. Based on this evidence, the board requested confirmation of the subject's assessment.

In rebuttal, the appellant affirmed the evidence previously submitted, and waived the original request for an oral hearing.

After reviewing the record and considering the evidence, the Property Tax Appeal Board (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 appellant's appraisal. The appellant's appraisers utilized the cost approach to value and the sales comparison approach to value in determining the subject's market value. The Board finds this appraisal to be persuasive because the appraisers have 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.

However, the Board does find that the appraisal is incomplete. While the appraisers allude to the underwater land as a "special feature[]" that will require a "special purchaser," and that "an appraiser cannot base a value estimate on the likelihood of finding a particular purchaser," the underwater land cannot be assessed at a value of \$0.00, as the appraisers did in the appraisal report. Indeed, the photographs included in the appraisal show the underwater land, and use the term "lake" to describe the land. Additionally, the photograph shows a pier on the "lake." It appears that, while not usable to build upon, the "lake" is usable for fishing, swimming, or the like. Such uses cannot be considered detrimental to the subject, and value must be attributed to this land. As such, the Board finds that a value must be added to the appraised value to account for the lake.

Therefore, the Board finds the subject had a market value of \$1,476,000 for the 2007 assessment year. 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 \$148,190 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.

Donald 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: August 28, 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.