FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Brett Lemajeur
DOCKET NO.: 07-29628.001-R-1
PARCEL NO.: 02-26-306-004-0000

The parties of record before the Property Tax Appeal Board are Brett Lemajeur, the appellant, by attorney Timothy C. Jacobs of Gary H. Smith PC 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:	$ 15,976
IMPR.:	$ 25,690
TOTAL:	$ 41,666

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of frame and masonry construction. The dwelling is 50 years old, and its features include a partial unfinished basement, central air conditioning, a fireplace, and a two-car attached garage. According to the board of review, the dwelling contains 2,177 square feet of living area. According to the appellant, the dwelling has 2,366 square feet of living area. The dwelling is located in Rolling Meadows, Palatine Township, Cook County.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the overvaluation argument, the appellant submitted an appraisal report in which a market value of $415,000 was estimated for the subject property as of January 1, 2007. According to the appraiser, the subject property has 2,366 square feet of living area, and the appraiser supplied a detailed drawing of the subject property to support this claim. The appraiser developed the sales comparison approach in order to estimate the market value of the subject property. The appraiser considered three comparable properties that sold from June 2006 to October 2007 for prices that ranged from $339,000 to $385,000. The comparable properties are improved with ranch-style dwellings that have frame or frame and masonry exterior construction. The dwellings range in age from 31 to 45 years old and range in size

from 1,828 to 2,096 square feet of living area. After identifying differences between the comparable properties and the subject, the appraiser made adjustments to the sale prices. As a result, the adjusted sale prices of the comparable properties ranged from $396,500 to $419,500. In the brief, the appellant's counsel requested that the 10% level of assessments on class 2 property in Cook County be applied to the appraiser's finding of market value and that the subject's total assessment be reduced to $41,500.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of $50,808 was disclosed. The subject's assessment reflects a market value of $506,056 or $213.89 per square foot of living area, land included, using the 2007 three-year median level of assessments for Cook County Real Property Assessment Classification Ordinance Class 2 property of 10.04% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.59(c)(2)). According to the board of review, the subject property has 2,177 square feet of living area. To support their size claim, the board of review provided a copy of the subject's property characteristic sheet.

The board of review presented descriptions and assessment information on four comparable properties consisting of one or one and one-half story frame, masonry, or frame and masonry dwellings that range in age from 19 to 85 years old. The comparables have the same assigned neighborhood and classification codes as the subject. The dwellings range in size from 2,160 to 2,659 square feet of living area. One dwelling has a slab foundation, and three have unfinished basements, either full or partial. Each comparable has a garage, and three comparables have central air conditioning and a fireplace. These properties have improvement assessments ranging from $17.76 to $19.14 per square foot of living area. As part of its evidence, the board of review also disclosed that comparable one sold in January 2006 for $625,000 or for $254.38 per square foot of living area, land included. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Board finds it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

According to the appellant, the subject property has 2,366 square feet of living area. The appellant provided an appraisal that included a detailed drawing of the subject property that showed how the living area was calculated. According to the board of review, the subject property has 2,177 square feet of living area, and the board of review produced a copy of the subject’s property characteristic sheet which simply listed the subject's size. The Board finds that the appellant produced the best evidence with respect to establishing the subject's size.

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). Proof of market value may consist of an appraisal of the subject property, a recent sale of the subject property or comparable sales. (86 Ill.Admin.Code 1910.65(c)). After an analysis of the evidence in the record, the Board finds a reduction in the subject's assessment is warranted.

The Board finds the appellant's appraisal report is the best evidence of the subject's market value as of the January 1, 2007 assessment date. The appraiser estimated a market value of $415,000 for the subject property as of January 1, 2007. The subject’s assessment reflects a market value of $506,056 and is in excess of the market value estimate contained in the appraisal report. The board of review submitted four equity comparables but did not refute the overvaluation argument. Although the board of review provided a sale price for one of these equity comparables, the comparable sales utilized in the appraisal sold more proximate in time to the assessment date at issue. Based on this record, the Board finds the subject has a market value of $415,000 as of January 1, 2007, and the 2007 three-year median level of assessments for Cook County Real Property Assessment Classification Ordinance Class 2 property of 10.04% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code 1910.59(c)(2)).

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: May 20, 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.