



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

APPELLANT: Sara Diggs
DOCKET NO.: 08-20338.001-R-1
PARCEL NO.: 10-13-317-009-0000

The parties of record before the Property Tax Appeal Board are Sara Diggs, the appellant, 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: \$7,741
IMPR.: \$10,019
TOTAL: \$17,760**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a class 2-11 multi-family 2-story building of frame construction containing 2,202 square feet of building area. The building is 129 years old and is not owner-occupied¹. Features of the building include a full unfinished basement and a 2-car garage. The property is located in Evanston, Evanston 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 \$185,000, or \$84.01 per square foot of building area including land, was estimated for the subject property as of November 15, 2008. According to the appraiser, the subject property has 2,202 square feet of building area and the appraiser attached a schematic diagram with dimensions to support this claim. The appraiser developed the sales comparison approach and income approach in estimating the market value of the subject property. Using the sales approach, the appraiser considered three comparable properties that sold from January 2008 through October 2008, for prices that ranged from \$127,500 to \$220,000, or \$62.91 to \$86.96 per square foot of building area including land. After applying various adjustments,

¹ The appraiser claims the building is 109 years old and contains 2,202 square feet of building area. The board of review claims the building is 129 years old and contains 2,386 square feet of building area.

the appraiser derived an estimated market value using the sales comparison approach of \$185,000. Using the income approach, the appraiser considered three comparable rental properties to derive a market value of \$161,500. In reconciliation the appraiser gave primary emphasis to the sales comparison approach and stated the sales comparison analysis is considered to be most reflective of buyer/seller expectations. Based on this evidence, the appellant requested a reduction in the subject's assessment reflective of the appraiser's final opinion of value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$39,260 was disclosed. The subject's total assessment reflects a market value of \$408,958 or \$185.72 per square foot of building area, land included, using the 2008 three-year median level of assessments for Cook County class 2 residential property of 9.60% as determined by the Illinois Department of Revenue. The board of review presented descriptions and assessment information on four comparable properties, one of which sold in June 2005 for \$447,500, or \$178.50 per square foot of building area, land included. This comparable is described as a 2-story, frame class 2-11 multi-family building that is 109 years old. The building contains 2,507 square feet of building area. Its features include a full unfinished basement and a 2-car garage. This property has an improvement assessment of \$46,608 or \$15.53 per square foot of building area. The subject has an improvement assessment of \$39,260, or \$13.21 per square foot of building area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal the appellant claims, based upon a letter from her appraiser, the board of review's only sale is too old to be relevant.

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 Property Tax Appeal Board further finds the evidence in the record supports a reduction in the subject's assessment.

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 must be proven 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 in the record. After making various adjustments to the comparable sales, the appraiser

estimated a market value of \$185,000 for the subject property as of November 15, 2008. The subject's assessment reflects a market value of \$408,958 which is in excess of the market value estimate contained in the appraisal report. The board of review submitted four equity comparables, one of which was a sale, but did not sufficiently refute the appellant's market value conclusion contained in the appraisal report. Therefore, the Board finds a reduction is warranted based on overvaluation.

Since market value has been determined the 2008 three-year median level of assessments for Class 2 residential property under the Cook County Real Property Assessment Classification Ordinance of 9.60% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

Shawn R. Lerbis

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

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.