



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

APPELLANT: Marcie Weiss  
DOCKET NO.: 08-21222.001-R-1 through 08-21222.002-R-1  
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Marcie Weiss, the appellant, by attorney Patrick J. Cullerton, of Thompson Coburn LLP in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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
08-21222.001-R-1	11-30-115-042-0000	\$6,912	\$44,023	\$50,935
08-21222.002-R-1	11-30-115-081-0000	\$2,969	\$0	\$2,969

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a two-story dwelling of masonry construction containing 1,878 square feet of living area. The dwelling is 70 years old. Features of the home include a full unfinished basement, central air conditioning and a one-car garage.

The appellant's appeal is based on overvaluation. The appellant, through counsel, submitted evidence before the Property Tax Appeal Board claiming the assessment of the subject property is excessive and does not reflect the subject's true market value. In support of this argument, the appellant offered a sales ratio analysis chart detailing seven suggested comparable properties located in the same general assessment neighborhood as the subject. Limited descriptive information was provided. The properties sold from June 2003 to October 2006 for prices ranging from \$725,000 to \$875,000. The properties current assessed values were then compared to what the appellant termed the "correct assessed value" based on the three-year median level of assessment for Cook County Class 2, residential property as

determined by the Illinois Department of Revenue of 9.60% for 2008. The appellant argued this analysis indicated that the actual level of assessments for these seven properties ranged from 10.31% to 13.81%. Comparing this level of assessment to the 9.60% three year median level, the appellant argued the average percentage of over-assessment was 25.89%. The appellant then argued that if the average assessment of the properties were 25.89% above what the assessment should be if the statistical level of assessment of 9.60% were utilized, then logically, the subject may also be assessed approximately 25.89% higher than it should be. The appellant then reduced the subject's \$539,040 market value as reflected in the 2008 assessment by 25.89% to suggest a new market value for the subject of \$427,459; which when the three year median level of assessments was applied resulted in an assessed value of \$41,036. Based on this evidence, the appellant requested a reduction in the subject's assessed value from \$53,904 to \$41,036.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment was disclosed. The board of review presented descriptions and assessment information on four comparable properties consisting of two-story masonry dwellings that range in age from 60 to 92 years old. The dwellings range in size from 1,058 to 1,828 square feet of living area. Features include full basements, one of which has a finished recreation room. Two of the comparables have central air conditioning and two have fireplaces. One comparable has a one-car garage. The comparable properties have improvement assessments ranging from \$22.61 to \$25.05 per square foot of living area. The subject's improvement assessment reflects \$23.44 per square foot of living area. The board of review's analysis grid also revealed that comparable #2 sold in March 2006 for \$405,000. The property is a 92 year old two-story dwelling that contains 1,728 square feet of living area. Features include a full unfinished basement and a fireplace. The subject is a 70 year old dwelling containing 1,878 square feet of living area. The subject's assessment for both parcels reflects a market value of \$561,500 based on the three-year median level of assessment for Cook County Class 2, residential property as determined by the Illinois Department of Revenue of 9.60% for 2008. Based on this evidence, 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 Board further finds a reduction in the subject's assessment is not warranted.

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 (3<sup>rd</sup> Dist. 2002). 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.

86 Ill.Admin.Code Sec. 1910.65(c). Having considered the evidence presented, the Property Tax Appeal Board finds that the evidence indicates a reduction is not warranted.

The appellant presented a sales ratio analysis to demonstrate the subject property was over-assessed due to overvaluation. The Property Tax Appeal Board finds this argument unpersuasive.

The Board finds the appellant's sales ratio analyses to be flawed. The appellant's study was not performed on a countywide basis of random sales but rather on selective sales in a given market area. The Board also finds the methodology employed by the appellant to be in error. The proper methodology for calculating assessment to sales ratios for ad valorem taxation purposes is by using a property's most recent sale price compared to its prior year's assessment that precedes the date of sale. The Board finds the record indicates the appellant did not use this formula in the analysis of the comparables. The appellant utilized the "current" assessed value which could have been up to five years subsequent to the 2003 sales. The Board finds there is no evidence in the record that the comparables current market value as reflected in the current assessment is the same as the market value as of the date of sale. Thus, the Board finds the appellant's sales ratio analysis produces questionable results for ad valorem taxation purposes.

The Board further finds that the sales data in the record does not disprove that the subject's 2008 assessment is reflective of its market value. The appellant submitted the sales data on seven properties within the subject's neighborhood; however, no descriptive data was submitted for purposes of analyzing these properties for comparison to the subject property for the purpose of establishing the subject's market value. The board of review's evidence contained information concerning one sale that occurred in March 2006. This sale property is a 92 year old single-family dwelling containing 1,728 square feet of living area. The property sold for \$405,000. The subject's 2008 assessment reflects a market value of \$561,500. The subject is superior to the suggested comparable in that it is 22 years newer, has 150 square feet of living area more than the comparable, and has central air conditioning and a one-car garage that the comparable does not have. The subject property also has an extra parcel of vacant land. The Board finds that this comparable property is too dissimilar to the subject to accurately establish a credible estimate of market value for the subject as of January 1, 2008.

Therefore, the Board finds that the appellant has not established, by a preponderance of the evidence, that the subject property is overvalued and no 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

*Marko M. Louie*

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: February 22, 2013

*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.