



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

APPELLANT: Jay Hausler
DOCKET NO.: 08-21576.001-R-1
PARCEL NO.: 14-19-207-010-0000

The parties of record before the Property Tax Appeal Board are Jay Hausler, the appellant, 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 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:

LAND: \$ 16,144
IMPR.: \$ 64,449
TOTAL: \$ 80,593

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 4,537 square feet of land improved with two structures thereon. The main improvement is an 88-year old, two-story, masonry, multi-family dwelling with three apartments therein. The second or rear improvement is a one and one-half story, coach house.

The appellant raised two arguments: first, that the living areas of the improvements were in error; and second, that the market value of the subject property is not accurately reflected in the property's assessed valuation as the bases of this appeal.

In support of the market value argument, the appellant submitted a residential appraisal report of the subject property with an effective date of October 24, 2008. The appraiser estimated a market value for the subject of \$550,000, based upon development of the sales comparison approach to value. The appraiser used three sale properties located within a four-block radius of the subject, but with varying amenities. They ranged in land size from 2,675 to 3,125 square feet; in building age from 82 to 118 years; and in building size from 2,764 to 3,501 square feet of

living area. The appraiser made adjustments only for date of sale, building size, and exterior construction.

In addition, the appraisal stated that the purpose of the assignment was for a "mortgage finance transaction only", while the appraiser indicated that there was an exterior inspection of the subject property from the street. Yet, the appraisal reflects floor plans for each of the subject's two buildings indicating living area as follows: 2,725 square feet for the front apartment building and 916 square feet for the rear, single-family dwelling.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$80,593. The subject's assessment reflects a market value of \$836,610 using the Illinois Department of Revenue median level of assessment for class 2, residential property of 9.60% for tax year 2008.

In addition, the board of review submitted detailed descriptive and assessment data on two suggested equity comparables. The properties were improved with a two-story, masonry or frame, dwellings. They ranged in age from 114 to 121 years and in size from 1,020 to 3,744 square feet of living area. These properties ranged in improvement assessments from \$21.77 for the multi-family dwelling to \$56.30 per square foot for the single-family dwelling. The improvement assessment of the subject's rear, single-family dwelling is \$31.33 per square foot. The printouts from the assessor database reflect that the subject's front, apartment building contains 3,825 square feet of living area with an apartment located in the basement area as well as a rear, single-family dwelling with 1,015 square feet of living area. Based upon this evidence, the board requested confirmation of the subject's assessment.

After considering the arguments and reviewing the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. After submission of evidence, the parties waived the right to hearing.

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331Ill.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 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 1910.65(c). Having considered the evidence presented, the Board concludes that the appellant has not met this burden and that a reduction is not warranted.

As an ancillary issue, the Board finds that the best evidence of the subject's living area was submitted by the board of review. The appraisal indicated that the appraiser failed either to

undertake an interior inspection or to properly measure the subject's improvement; rather the appraiser simply did a cursory street review of the structure.

In determining the fair market value of the subject property, the Board thoroughly considered the parties' evidence and finds the appellant's appraisal unpersuasive. The Board accords minimal weight to this appraisal for the following reasons: that the stated purpose of the appraisal is not to estimate a market value for ad valorem purposes, but for a 'mortgage finance transaction only'; that the appraiser only inspected the subject property from the street; that the appraiser estimated varying living area for both of the subject's buildings without conducting an interior inspection or a closer exterior inspection; and that the appraiser failed to make appropriate adjustments to the suggested sale properties including: land area; number of structures on each property; and variance in highest and best use.

Therefore, the Board finds that the appellant has failed to meet its burden and that 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.

Ronald 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: September 20, 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.