



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

APPELLANT: Mark H. Kusatzky
DOCKET NO.: 08-21953.001-R-1
PARCEL NO.: 05-27-319-018-0000

The parties of record before the Property Tax Appeal Board are Mark H. Kusatzky, the appellant(s), by attorney David C. Dunkin, of Arnstein & Lehr 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: \$22,200
IMPR.: \$55,560
TOTAL: \$77,760

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 7,500 square feet of land improved with a two-story, frame, single-family dwelling. The dwelling's improvements include two and one-half baths, a partial unfinished basement, air conditioning, two fireplaces, and a two-car garage. The appellant argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of the appeal.

In support of the market value argument, the appellant submitted an appraisal undertaken by Adam Zimmerman and Donald Zimmerman of Donald Zimmerman & Associates. The appraisal indicates that both appraisers are State of Illinois certified general appraisers. The appraiser indicated the subject had an estimated market value of \$810,000, as of January 1, 2007. The appraisal report utilized the sales comparison approach to value to estimate the market value for the subject property. The appraisal report included exterior photographs of the subject's improvement and comparables, a location map of the subject property and comparables, plat of survey, and a floor plan.

The appraisal stated that the subject was improved with a two-story, frame constructed, 114-year old, single-family dwelling which is in overall good condition. The subject contains 2,563 square feet of living area. The appraiser personally inspected

the property on August 17, 2007 and included a diagram of the floor plan.

Under the sales comparison approach, the appraisal analyzed the sale of three, two-story, frame constructed, single-family dwellings located within the subject's market. The properties contain between 1,494 and 2,580 square feet of living area. The comparables sold from January 2006 to September 2006 for prices ranging from \$797,500 to \$860,000 or from \$333.33 to \$542.17 per square foot of living area. Based on the similarities and differences of the comparables when compared to the subject, the appraiser estimated a final value for the subject under the sales comparison approach was \$810,000. Based upon this data, the appellant requested a reduction in the subject's market value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$90,372 was disclosed. The total assessment reflects a market value of \$941,375 using the Illinois Department of Revenue's 2008 three-year median level of assessment for class 2 property of 9.60%. The board of review stated that the subject is a 114-year old dwelling of frame construction containing 2,603 square feet of living area and with no further information regarding calculation of square footage. In support of the subject's assessment, the board of review submitted descriptions and assessment information for four properties located within the subject's neighborhood. These properties are described as two-story, frame, single-family dwellings with two and one-half baths, a partial unfinished basement for three of the properties, one fireplace, and air conditioning for three of the properties. The properties range: in age from 94 to 114 years old; in size from 2,478 to 2,903 square feet of living area; and in improvement assessments from \$28.04 to \$30.41 per square foot of living area. The board of review also submitted sales data for property #1 which sold in October 2005 for \$862,500 or \$339.57 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's attorney in a letter stated that the board of review's equity response be stricken as unresponsive as the appellant's basis for appeal is a market value argument.

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.

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, 331 Ill.App.3d 1038 (3d Dist. 2002; Winnbago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d (2d 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 evidence indicates a reduction in the subject's assessment is warranted.

The board of review has not provided any further evidence regarding calculation of square footage whereas, the appraisers stated in the appraisal that they personally inspected the property and included a floor plan including measurements. Therefore, based on the appraisal's measurements the square footage shall be 2,563 regarding PTAB's analysis.

In determining the fair market value of the subject property, the Board finds that best evidence is the appellant's appraisal. The Board finds this appraisal to be persuasive because the appraisers personally inspected the interior and exterior of the subject property, and utilized market data to obtain sales comparables while providing sufficient detail regarding each sale in estimating the subject's market value.

Therefore, the Board finds that the subject property contained a market value of \$810,000 for the tax year 2008. Since the market value of the subject has been established, the Illinois Department of Revenue's 2008 three year median level of assessment for class 2, residential property of 9.60% will apply. In applying this level of assessment to the subject, the total assessed value is \$77,760 while the subject's current total assessed value is above this amount at \$90,372. 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: January 31, 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.