



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

APPELLANT: Gerald Bear  
DOCKET NO.: 08-22164.001-R-2  
PARCEL NO.: 05-17-307-044-0000

The parties of record before the Property Tax Appeal Board are Gerald Bear, the appellant, by attorney Huan Cassioppi Tran, of Flanagan/Bilton LLC 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:** \$ 63,597  
**IMPR.:** \$ 78,003  
**TOTAL:** \$ 141,600

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of 21,780 square feet of land improved with a 28-year old, two-story, masonry, single-family dwelling. The improvement contains 4,897 square feet of living area as well as a full basement, four full and two half-baths, two fireplaces, and a three-car garage. The subject's site is located in New Trier Township.

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 this appeal.

In support of the market value argument, the appellant submitted a residential appraisal summary report of the subject property with an effective date of January 1, 2008 undertaken by Garry Nusinow, who holds the designation of Certified General Real Estate Appraiser. The appraiser estimated a market value for the subject of \$1,475,000, while developing the sales comparison approach to value.

The appraisal stated that the subject was improved with a detached, single-family dwelling and that the highest and best

use of the subject was its current use. The appraisal indicated that the subject's actual age was 29 years, but that the improvement's effective age was 25 years. The appraiser undertook an interior and exterior inspection of the improvement which contained 4,897 square feet of living area. In addition, the appraisal noted that the subject included a brick patio, wooden deck, lawn sprinklers and an intercom.

Under the sales comparison approach to value, the appraiser utilized five sale comparables located within the subject's suburb of Winnetka or in the neighboring suburb of Glencoe. In support of this, the appraisal included a map of the subject's area with the location of the suggested comparables identified thereon. The comparables sold from January, 2006, through October, 2007, for prices that ranged from \$1,300,000 to \$1,700,000, or from \$305.49 to \$391.43 per square foot. The properties were improved with a two-story, masonry or frame and masonry, single-family dwelling, while the appraiser determined that they were in average condition. The properties ranged: in bathrooms from two full and two half-baths to four full and two half-baths; in age from 10 to 44 years; in improvement size from 4,068 to 4,861 square feet of living area; and in land size from 12,000 to 31,500 square feet of land. Each property also included a two-car garage with from one to four fireplaces, while four properties also included a full basement. After making adjustments to the suggested comparables, the appraiser estimated the subject's market value was \$1,475,000, rounded. Based upon this data, the appellant requested a reduction in the subject's market value.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$263,297 for tax year 2008. The subject's assessment reflects a market value of \$1,645,606 using the Cook County Ordinance level of assessment for class 2, residential property of 16%.

The board also submitted descriptive and assessment data on four suggested equity comparables. These properties ranged in land size from 15,115 to 16,456 square feet. They were improved with a two-story, masonry, single-family dwelling. The improvements ranged: in age from three to seven years; in bathrooms from three full and one half-baths to five full and two half-baths; in size from 4,289 to 4,986 square feet of living area; and in improvements assessments from \$42.49 to \$48.79 per square foot of living area. Amenities include a full basement, two or three fireplaces and a multi-car garage. The subject's improvement assessment is \$40.78 per square foot.

In addition, the grid analysis indicated that properties #2 and #3 sold from June, 2005, to February, 2007, for prices that ranged from \$552.87 to \$787.14 per square foot. As a result of its analysis, 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.

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 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2<sup>nd</sup> 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 met this burden and that a reduction is warranted.

In determining the fair market value of the subject property, the Board finds the best evidence to be the appellant's appraisal. The Board finds this appraisal to be persuasive for the appraiser personally inspected the subject property and utilized market data to obtain improved sale comparables while providing sufficient detail regarding each sale as well as appropriate adjustments where necessary.

Moreover, the Board finds that the board of review's evidence fails to indicate that the sales data relating to properties #2 and #3 reflect an arm's length transaction.

Therefore, the Board finds that the subject property contained a market value of \$1,475,000 for tax year 2008. Since the market value of the subject has been established, the median level of assessment as determined by the Illinois Department of Revenue for class 2, residential property of 9.60% will apply. In applying this level of assessment to the subject, the total assessed value is \$141,600, while the subject's current total assessed value is above this amount at \$263,297. 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.

*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: October 21, 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.