



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

APPELLANT: James Epstein
DOCKET NO.: 08-23336.001-R-1
PARCEL NO.: 05-27-419-012-0000

The parties of record before the Property Tax Appeal Board are James Epstein, the appellant, by attorney James E. Doherty, of Thomas M. Tully & Associates 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: \$ 45,841
IMPR.: \$ 106,800
TOTAL: \$ 152,641**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a parcel with 15,487 square feet of land area that is improved with a two-story, owner-occupied dwelling of masonry construction. The dwelling is four years old and contains 5,811 square feet of living area. Features of the home include a full unfinished basement, central air conditioning, three fireplaces, and a two-car attached garage. The property is classified as a class 2-09 residential property under the Cook County Real Property Assessment Classification Ordinance and is located in Wilmette, New Trier Township, Cook County.

The appellant is basing this appeal on overvaluation as well as on a contention of law.¹ When the appellant's attorney completed Section 2d of the residential appeal form, he checked boxes indicating the appeal was being based on recent construction and on a contention of law. Although the appellant did not check the box for assessment inequity, the appellant also provided equity evidence in Section V of the residential appeal form.

In support of the recent construction argument, the appellant's attorney provided a contractor's affidavit; however, counsel did

¹ While a brief was presented, the arguments pertain to the assessment and/or estimated market value of the subject.

not complete Section VI of the residential appeal form. The contractor's affidavit, signed and dated October 24, 2005, indicated that the total costs associated with constructing the subject dwelling was \$1,067,821.78. The affidavit listed expenses for permits, construction materials, work done by subcontractors, and the contractor's fee.

The appellant also submitted equity information on three suggested comparable properties described as two-story dwellings of frame, masonry, or frame and masonry construction. The comparable properties have the same assigned classification and neighborhood codes as the subject. The comparable dwellings are from 85 to 97 years old and contain from 5,038 to 6,507 square feet of living area. Each dwelling has a full unfinished basement and one or two fireplaces. Two comparables have a garage, and one dwelling has central air conditioning. The comparables have improvement assessments ranging from \$148,911 to \$155,180 or from \$23.85 to \$29.80 per square foot of living area. The subject's improvement assessment is \$185,428 or \$31.91 per square foot of living area.

The appellant's attorney also submitted a brief in which counsel asked for a reduction in the subject's improvement assessment. Counsel stated that the construction costs for the subject dwelling totaled \$1,068,000; however, counsel did not specifically request relief on this basis. Instead, the appellant's attorney gave more emphasis to assessment inequity. Counsel asked that the subject's improvement assessment be lowered in a manner similar to a reduction already granted to comparable #1. The appellant's attorney asked that the subject's total assessment be reduced to \$199,898 and that the subject's improvement assessment be reduced to \$154,417 or \$26.57 per square foot of living area.

The appellant's attorney also made reference to an appeal before the Property Tax Appeal Board for the prior tax year under Docket No. 07-22204.001-R-1. In that appeal, the Property Tax Appeal Board reduced the subject's assessment to \$152,641.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$231,269 was disclosed. The subject has a land assessment of \$45,841 and an improvement assessment of \$185,428. The subject's total assessment of \$231,269 reflects a market value of \$2,409,052 or \$414.57 per square foot of living area, including land (\$477,510 for the site and \$1,931,542 for the improvement) using the 2008 three-year average median level of assessments for class 2 property in Cook County of 9.60% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.50(c)(2)).

The board of review provided equity information on three comparable properties to demonstrate the subject was being equitably assessed. The comparables were improved with two-story dwellings of masonry construction. The comparable properties

have the same assigned neighborhood and classification codes as the subject property. One of the dwellings is one year old, and the other two are 86 and 90 years old. The dwellings contain from 5,308 to 6,101 square feet of living area. One dwelling has a full unfinished basement, and two have finished basements, either full or partial. Each comparable has a garage and from one to four fireplaces. Two dwellings have central air conditioning. These properties have improvement assessments ranging from \$69,715 to \$180,912 or from \$11.43 to \$33.21 per square foot of living area. The comparable assessed at \$11.43 per square foot has a prorated assessment at 32.2% indicating an assessment at 100% of \$216,508 or \$35.49 per square foot of living area.² As part of its evidence, the board of review disclosed that comparable #1 sold in May 2006 for \$1,670,000 or \$273.73 per square foot of living area, land included. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Board finds it has jurisdiction over the parties and the subject matter of the appeal. The 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 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 (3rd Dist. 2002). Proof of market value may consist of documentation evidencing the cost of construction. 86 Ill.Admin.Code 1910.65(c)(3). After an analysis of the evidence in the record, the Board finds the appellant has met this burden of proof and a reduction in the subject's assessment is warranted.

The appellant argued the assessed value of the subject's improvement was excessive in light of the actual costs incurred to build the dwelling. The appellant provided a contractor's affidavit, signed and dated October 24, 2005. The contractor's affidavit indicated that the costs associated with constructing the dwelling totaled \$1,067,821.78.

For 2008, the subject has a total assessment which reflects a market value of \$2,409,052 or \$414.57 per square foot of living area, including land (\$477,510 for the site and \$1,931,542 for the improvement), using the 2008 three-year average median level of assessments for class 2 property in Cook County of 9.60% as determined by the Illinois Department of Revenue. (86

² In this appeal, the board of review did not disclose detailed information about the prorated assessment for comparable #1; however, pursuant to section 1910.90(i) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code 1910.90(i)), the Board takes notice that comparable #1 was also used in a prior year's appeal of the same property under Docket No. 07-22204.001-R-1 and in that appeal the board of review provided detailed information about the prorated 2008 assessment for this property.

Ill.Admin.Code 1910.50(c)(2)). The market value of the subject's improvement as reflected by its assessment is greater than the construction costs indicated on the contractor's affidavit.

The Board finds the board of review did not refute the appellant's overvaluation argument. The only market evidence provided by the board of review was the sale of comparable #1 in May 2006 for \$1,670,000 or \$273.73 per square foot of living area, including land. The Board notes that this sale price was considerably less than the subject's market value as reflected by its assessment. The Board finds that the construction costs presented by the appellant are the best evidence of the value of the subject's improvement as of the assessment date at issue.

Furthermore, section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

The Board takes notice that the subject property was the subject matter of an appeal the prior tax year under Docket No. 07-22204.001-R-1. In that appeal, the Property Tax Appeal Board reduced the assessment of the subject to \$152,641. The Board takes notice the subject property is an owner-occupied dwelling that is located in New Trier Township and that 2007 and 2008 are within the same general assessment period for New Trier Township. (86 Ill.Admin code §1910.90(i)).

The Board further finds that the assessment as established in the decision for the 2007 tax year should be carried forward to the 2008 tax year pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185). The record contains no evidence indicating the subject property sold in an arm's length transaction subsequent to the Board's decision or that the assessment year in question is in a different assessment period. For these reasons the Property Tax Appeal Board finds that a reduction in the subject's assessment is warranted to reflect the Board's prior year's finding.

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: June 22, 2012

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.