



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

APPELLANT: Nathanael Brown
DOCKET NO.: 08-23718.001-R-1
PARCEL NO.: 05-20-113-002-0000

The parties of record before the Property Tax Appeal Board are Nathanael Brown, the appellant, 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: \$21,240
IMPR: \$132,200
TOTAL: \$153,440

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 2-story dwelling of masonry construction containing 2,644 square feet of living area. The dwelling is 7 years old. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a 2-car garage. The property is located in Winnetka, New Trier Township, Cook County.

The appellant's appeal is based on unequal treatment in the assessment process and overvaluation. The appellant submitted information on sixty-nine comparable properties with special attention given to twenty whose size was within 500 square feet of the subject. The twenty comparables are all class 2-78, 2-story masonry dwellings that range in age from 1 to 13 years old. They range in size from 2,600 to 3,199 square feet of living area. These twenty comparables have improvement assessments ranging from \$38.32 to \$59.36 per square foot of living area. The subject's improvement assessment is \$55.00 per square foot of living area. The appellant also submitted sales information on seventy comparables but highlighted five properties that sold between March 2006 and August 2008 for prices ranging from \$1,345,000 to \$1,750,000. The subject was purchased in June 2005 for \$1,760,000. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

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 description and assessment information on one comparable property which was also the appellant's comparable #4 in Sect V Part 5. It is described as a 2-story masonry dwelling that is also 7 years old, located in the same block as the subject, and contains 2,648 square feet of living area. This comparable has a partial, finished basement, central air conditioning, a fireplace and a 2-car garage. This property has an improvement assessment of \$59.36 per square foot of living area. This comparable was purchased in November 2004 for \$1,530,000. The board of review also disclosed that the subject was purchased in June 2005 for \$1,760,000. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal the appellant reiterated the basis of the appeal was lack of equity in the assessment of the subject with supporting data in the form of comparable sales.

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 warranted.

The appellant contends unequal treatment in the subject's improvement assessment as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the Board finds the appellant has met this burden.

Although the one comparable submitted by the board of review is very similar to the subject in location and all other characteristics, when examined with the other comparables submitted by the appellant, it is obvious this comparable is an outlier especially when comparing the purchase price in November 2004 of \$1,530,000 to the market value of \$1,858,500 indicated by the current assessment. Therefore, the Board finds the comparables submitted by the appellant were most similar to the subject in location, style, exterior construction and age. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables had improvement assessments that ranged from \$38.32 to \$59.36 per square foot of living area. Although the subject's improvement assessment of \$55.00 per square foot of living area is within the range established by the most similar comparables, 19 of the 20 comparables had improvement assessments less than the subject, establishing a pattern of clear and convincing evidence that the subject's improvement assessment is not equitable and a reduction in the subject's assessment is warranted.

The appellant also argued the subject property is overvalued based on comparable sales. When market value is the basis of the appeal, the value must be proven by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 183, 728 N.E.2d 1256 (2nd Dist. 2000). The Board finds the appellant has failed to overcome this burden.

The Illinois Supreme Court has defined fair cash value as what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d. 428, (1970). A contemporaneous sale of property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be practically conclusive on the issue of whether an assessment is reflective of market value. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369 (1st Dist. 1983), People ex rel. Munson v. Morningside Heights, Inc, 45 Ill.2d 338 (1970), People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967); and People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945).

The Property Tax Appeal Board finds this record shows the appellant submitted sales information on seventy comparables, but submitted detailed, adjusted sales figures for five comparable properties. These sales occurred between March 2006 and August 2008 for adjusted prices of \$1,354,500 to \$1,656,000. The revised assessment after reduction for equity of \$153,440 reflects a market value of \$1,598,333 using the 2008 three-year median level of assessments for Cook County class 2 residential property of 9.60% as determined by the Illinois Department of Revenue, which is within the range of the comparable sales. Therefore, no further reduction for overvaluation 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: May 20, 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.