



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

APPELLANT: Karen Donohue
DOCKET NO.: 08-23900.001-R-1
PARCEL NO.: 14-32-225-024-0000

The parties of record before the Property Tax Appeal Board are Karen Donohue, 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: \$ 15,500
IMPR: \$ 51,700
TOTAL: \$ 67,200

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 1,875 square foot parcel improved with a 128-year-old, two-story, multi-family dwelling of masonry construction located in North Chicago Township, Cook County. Features of the residence include two full bathrooms and a full-unfinished basement. The appellant argued that the subject dwelling contains 2,512 square feet of living area and submitted a copy of the subject's plat of survey. The appellant also provided an appraisal report disclosing the area calculations and living area breakdown for the subject dwelling. The board's documents indicate the subject contains 3,427 square feet of living area.

The appellant, Karen Donohue, appeared before the Property Tax Appeal Board arguing unequal treatment in the assessment process of the improvement as well as overvaluation as the bases of the appeal. In support of the inequity claim, the appellant provided four suggested comparable properties consisting of two-story, multi-family dwellings of masonry construction located within one block of the subject. The improvements range in size from 2,076 to 4,018 square feet of living area and are over 120 years old.

The comparables contain two or three bathrooms and a finished or unfinished basement. The improvement assessments range from \$13.40 to \$28.89 per square foot of living area.

In support of the overvaluation claim, the appellant submitted an appraisal report prepared by Dan Gura of Chicago Land Appraisal Service, Inc. in Lake Zurich, Illinois. The appraisal revealed that Gura is a State of Illinois certified real estate appraiser. The appraisal disclosed that Gura inspected the interior and exterior of the subject property as well as the exterior of the comparable sales in the report. The appraiser utilized the sales comparison approach as well as the income approach to estimate a market value of \$700,000 for the subject as of July 23, 2008.

In the sales comparison approach to value, the appraiser employed the sales of three properties located within a distance of 0.73 miles of the subject. The comparables consist of multi-story, multi-family dwellings of masonry or frame construction ranging from 100 to 130 years in age. The lots range in size from 1,512 to 1,925 square feet and the improvements range in size from 2,345 to 2,699 square feet of living area. The comparables sold between March 2008 and July 2008 for prices ranging from \$615,000 to \$900,000, or from \$249.09 to \$333.46 per square foot of living area, including land. After making adjustments, the appraiser concluded a value for the subject via the sales comparison approach of \$700,000.

In the income approach, the appraiser used three rental comparables to estimate the subject's market rent. The appraiser estimated a gross monthly rent of \$4,200 for the subject and multiplied by 165, the gross rent multiplier (GRM), estimated a value by the income approach of \$693,000 for the subject. The appraisal report disclosed that all projected rents were extracted from the market and that the GRM was derived from the comparable sales, as well as several historic sales. Thus, the appraiser determined a value for the subject via the income approach of \$693,000.

The appraisal disclosed the subject is currently uninhabitable in as-in condition, but that the property has been appraised subject to a complete rehab of the building. Based on the evidence submitted, the appellant requested an assessment reflective of a fair market value for the subject of \$700,000.

At hearing, the appellant testified that the subject was purchased in October 2008 for \$540,000 as a foreclosure. The appellant also testified that the subject was purchased with the intention of rehabbing the property and that the subject was vacant and unoccupied in 2008.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's total assessment of \$86,345. The assessment reflects a total market value of \$899,427 for the subject, when the 2008 Illinois Department of Revenue's three-year median level of assessments of 9.60% for Class 2 property,

such as the subject, is applied. In support of the assessment the board submitted property characteristic printouts and descriptive data on four properties suggested as comparable to the subject. The suggested comparables are improved with two-story, multi-family dwellings of masonry construction with the same neighborhood code as the subject. The improvements range in size from 3,241 to 3,585 square feet of living area and range in age from 118 to 138 years old. The comparables contain from two and one-half to four full bathrooms and a full-finished or unfinished basement. The improvement assessments range from \$24.17 to \$29.23 per square foot of living area.

At hearing, the board's representative stated that the board of review would rest on the written evidence submissions. Based on the evidence presented, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a brief highlighting various differences between the subject and the board of review's comparables as well as reiterating the appellant's contentions.

After hearing the testimony 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 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); 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 arms-length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. (86 Ill.Adm.Code §1910.65(c)) Having considered the evidence presented, the Board finds the appellant has satisfied this burden and a reduction is warranted.

The first issue before the Board is the correct square footage attributable to the subject improvement. The Board finds the appellant substantiated the claim that the subject's square footage is different than the public record presented by the board of review. The appellant testified that the subject dwelling contains 2,512 square feet of living area and submitted a copy of the subject's plat of survey. In addition, the appellant provided an appraisal report disclosing the area calculations and living area breakdown for the subject dwelling. Consequently, the Board finds the subject contains 2,512 square feet of living area.

In determining the fair market value of the subject property, the Property Tax Appeal Board finds the best evidence to be the appellant's appraisal report. The appellant's appraiser utilized the sales comparison approach as well as the income approach to

estimate the fair market value of the subject. The Board finds the appraisal to be persuasive for the appraiser; has experience in appraising; personally inspected the subject property and reviewed the subject's history; utilized appropriate market data in undertaking the sales comparison and income approach to value; and lastly, used similar properties in the sales comparison approach while providing sufficient detail regarding each sale as well as adjustments that were necessary. The Board gives little weight to the board of review's evidence in that it fails to address the appellant's overvaluation argument.

Therefore, the Board finds the subject had a fair market value of \$700,000 as of January 1, 2008. Since fair market value has been established, the 2008 Illinois Department of Revenue's three-year median level of assessments of 9.60% for Class 2 property shall apply and a reduction is warranted.

As a final point, the Board finds no further reduction based on the appellant's inequity argument 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

Frank J. Huff

Member

Member

Mario M. Louie

Shawn R. Lerbis

Member

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 24, 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.