



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

APPELLANT: Ruth Migdal  
DOCKET NO.: 08-24251.001-R-1  
PARCEL NO.: 14-33-110-029-0000

The parties of record before the Property Tax Appeal Board are Ruth Migdal, the appellant, by attorney Jason T. Shilson of O'Keefe Lyons & Hynes, LLC, Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$21,812**  
**IMPR.: \$85,496**  
**TOTAL: \$107,308**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a two-story single family dwelling of masonry construction that contains 2,454 square feet of living area. Features of the property include a full unfinished basement and a two-car detached garage. The dwelling is 118 years old. The property is located in Chicago, North Chicago Township, Cook County. The property is classified as a class 2-06 residential property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends both assessment inequity and overvaluation as the bases of the appeal. In support of the inequity argument the appellant submitted descriptions and assessment information on twelve comparables. The comparables were described as being improved with two or three-story dwellings story dwellings with the same classification code as the subject property. The dwellings were of frame, masonry or frame and masonry exterior construction and ranged in size from 2,413 to 4,590 square feet of living area. The dwellings ranged in age from 70 to 128 years old. Each comparable had a full basement with eight being finished with recreation rooms. Ten comparables have central air

conditioning, six comparables have one or two fireplaces and eight comparables have garages. The comparables have improvement assessments that range from \$75,068 to \$156,016 or from \$22.17 to \$39.98 per square foot of living area. The subject had an improvement assessment of \$85,496 or \$34.84 per square foot of living area.

In support of the overvaluation argument the appellant submitted an appraisal estimating the subject property had a market value of \$900,000 as of May 2, 2009. The appraisal indicated the lender/client was Diamond Bank and the function of the report was to assist the lender in evaluating the subject property for lending purposes. The appraisal was prepared by a state certified appraiser.

The appraisal contained both the cost approach and the sales comparison approach. Under the cost approach the appraiser estimated the subject had a site value of \$500,000. The appraiser used the Marshall & Swift Cost Residential Estimator to estimate the replacement cost new of the improvements to be \$1,015,100. Physical depreciation was estimated to be \$253,775 using the age/life method resulting in a depreciated improvement value of \$761,325. To this amount the appraiser added the site value to arrive at an estimate of value under the cost approach of \$1,261,325.

In developing the sales comparison approach the appraiser used five comparable sales and one listing. The comparables were improved with five, two-story dwellings and one, three-story dwelling that ranged in size from 1,560 to 2,540 square feet of living area. Each comparable was described as being greater than 100 years old and were of brick construction. Each comparable had a full finished basement, five comparables had central air conditioning and each had a one or two-car garage. Five of the comparables sold from January 2009 to April 2009 for prices ranging from \$737,500 to \$1,595,000 or from \$248.03 to \$906.25 per square foot of living area, including land. The listing had a price of \$1,125,000 or \$468.36 per square foot of living area, including land. The appraiser made adjustments to the comparables for differences from the subject and arrived at adjusted prices ranging from \$752,000 to \$1,218,000. Based on this data the appraiser estimated the subject had a market value of \$900,000 using the sales comparison approach.

In reconciling the two approaches the appraiser gave most weight to the sales comparison approach and estimated the subject had a market value of \$900,000 as of May 2, 2009.

Based on this record the appellant requested the subject's assessment be reduced to \$90,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$107,308 was disclosed. The subject's assessment reflects a market value of approximately \$1,117,792 or \$455.50 per square

foot of living area, including land, using the 2008 three year average median level of assessments for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 9.60% as determined by the Illinois Department of Revenue.

In support of the assessment the board of review submitted information on four comparables. The comparables were improved with two-story dwellings of masonry construction that ranged in size from 2,267 to 2,485 square feet of living area. The dwellings ranged in age from 114 to 123 years old. Each comparable had a full or partial basement with two being finished. One comparable had central air conditioning, one comparable had two fireplaces and two had two-car garages. These properties had improvement assessments ranging from \$87,248 to \$95,966 or from \$35.81 to \$38.95 per square foot of living area. The board of review also indicated its comparable #4 sold in September 2006 for a price of \$1,220,000 or \$495.13 per square foot of living area.

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 the appeal. The Board further finds the evidence in the record does not support a reduction in the subject's assessment.

The appellant argued in part assessment inequity 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 assessments by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data the Board finds a reduction is not warranted on this basis.

The Board finds appellant's comparables #1, #5 and #8 as well as the board of review comparables were similar to the subject in age, size, construction and features. These properties ranged in size from 2,267 to 2,658 square feet of living area and had improvement assessments ranging from \$28.82 to \$38.95 per square foot of living area. Six of the seven comparables had an assessment range from \$34.40 to \$38.95 per square foot of living area. The subject had an improvement assessment of \$34.84 per square foot of living area, well within the range established by the best comparables in the record. Based on this record the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject was inequitably assessed.

The appellant also argued overvaluation as a basis of the appeal. 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 (3<sup>rd</sup> Dist. 2002). The Board finds the sales data in the record demonstrates a reduction in the subject's assessment is not warranted on this basis.

In support of the overvaluation argument the appellant submitted an appraisal prepared for Diamond Bank estimating the property had a market value of \$900,000 as of May 2, 2009. The function of the report was to assist the lender in evaluating the subject property for lending purposes. The Board finds the estimate of value was 17 months after the assessment date at issue and was not prepared for the appellant to estimate a market value for assessment purposes. As a result the Board gives less weight to the conclusion of value contained in the report but will consider the comparables sales within the appraisal.

In total the record contains six comparable sales and a listing improved with two-story or three-story dwellings of similar construction as the subject. The comparables were similar to the subject in age and features. The dwellings ranged in size from 1,560 to 2,540 square feet of living area. Six of these properties sold from September 2006 to April 2009 for prices ranging from \$630,000 to \$1,595,000 or from \$248.03 to \$906.25 per square foot of living area, including land. The listing had a price of \$1,125,000 or \$468.36 per square foot of living area, land included. Excluding the low and the high, the five remaining comparables have unit prices ranging from \$447.00 to \$560.79 per square foot of living area, including land. Additionally, in reviewing this data, the Board finds the board of review comparable #4 was very similar to the subject and sold for a price of \$1,220,000 or \$495.13 per square foot of living area, land included. The subject's assessment reflects a market value of approximately \$1,117,792 or \$455.50 per square foot of living area, including land, using the 2008 three year average median level of assessments for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 9.60% as determined by the Illinois Department of Revenue. The Board finds the subject's assessment reflects a market value well within the ranged established by the best sales in the record. The Board finds the subject's assessment is reflective of the property's market value as of the assessment date at issue and no reduction is warranted based on overvaluation.

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. Lerski*

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: March 18, 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.