



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

APPELLANT: Raymond Seffer
DOCKET NO.: 08-25087.001-R-1
PARCEL NO.: 18-29-101-017-1044

The parties of record before the Property Tax Appeal Board are Raymond Seffer, 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: \$2,256
IMPR.: \$10,724
TOTAL: \$12,980

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 4-story, class 2-99 residential condominium building of masonry construction. The building is 34 years old and features elevator, pool and tennis courts. Unit 408, the subject, contains 1,000 square foot of living area and features central air conditioning. The subject is in Indian Head Park, Lyons Township, Cook County.

The appellant's appeal is based on overvaluation. In support of the overvaluation argument, the appellant submitted information on four class 2-99 residential condominium units of masonry construction either 34 or 35 years old. Although the appellant claims each comparable contains 1,000 square foot of living area, the listing for comparable #2 shows it contains 1,026 square foot of living area and the other three comparables have no size on their listings. All comparable units feature central air conditioning. Comparables #1 and #2 sold in March and July 2009. Comparable #1 sold for \$105,000 or \$105.00 per square foot of living area using the appellant's size estimate of 1,000 square feet of living area. Comparable #2 sold and \$110,000 or \$107.21 using the size shown on the listing. Comparables #3 and #4 had not yet sold according to their listings. 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 of \$15,128 was disclosed. The subject's assessment reflects a market value of \$157,583, or \$157.58 per square foot of building area using the 2008 three-year median level of assessments of 9.60% for Class 2 property under the Cook County Real Property Assessment Classification Ordinance (86 Ill.Admin.Code §1910.50(c)(2)).

In support of the subject's assessment, the board of review presented a market analysis based on sales of 14 units in the subject's building that sold in 2007 and 2008 for prices ranging from \$97,500 to \$175,000. Based on that analysis, the board of review determined the market value for the subject to be \$154,346. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal the appellant claims only sales from 2008 should be accepted. The appellant also submitted as rebuttal evidence an appraisal estimating the subject property had a market value of \$105,000 as of 2009.

The Board finds it cannot consider the appraisal submitted as evidence by the appellant in rebuttal. Section 1910.66(c) of the Official Rules of the Property Tax Appeal Board states:

Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in guise of rebuttal evidence. (86 Ill.Adm.Code §1910.66(c)).

The Board finds the appraisal is improper rebuttal evidence pursuant to Section 1910.66(c) of the rules of the Property Tax Appeal Board and will not be considered.

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 Property Tax Appeal 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 must be proven 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 an appraisal of the subject property, a recent sale of the subject property or comparable sales. (86 Ill.Admin.Code 1910.65(c)). After an analysis of the evidence in the record, the Board finds a reduction in the subject's assessment is warranted based on overvaluation.

The appellant's comparable #1 was a similar unit in the same building as the subject. It sold in March 2009 for \$105,000. Although the appellant claims both the subject and comparable #1 contain 1,000 square feet of living area, the evidence points to the subject being larger than comparable #1. The subject's percentage of ownership is .7847% whereas comparable #1's percentage of ownership is .7638%. Since percentage of ownership is typically based on the relative value of the unit in the condominium complex, the subject may have a relatively higher market value than comparable #1. Nevertheless, the sale of a very similar comparable for \$105,000 is considerably less than the board of review's market value estimate of \$154,346. The Board also finds the three remaining comparables submitted by the appellant with a sale price of \$110,000 and listing prices of \$97,750 and \$105,000 further support the appellant's market value argument.

Based on this record the Board finds the appellant has proven through a preponderance of the evidence that the market value of the subject property is not accurately reflected in its assessed valuation, and a reduction in the subject's assessment commensurate with the appellant's request is appropriate.

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 M. Louie

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: 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.