



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

APPELLANT: Michael Gribble  
DOCKET NO.: 09-20294.001-R-1  
PARCEL NO.: 10-11-406-011-0000

The parties of record before the Property Tax Appeal Board are Michael Gribble, the appellant(s); 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:** \$ 6,353  
**IMPR.:** \$43,465  
**TOTAL:** \$49,818

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of 5,525 square feet of land and is improved with an 82 year old, two-story, frame dwelling with 1,736 square feet of living area. The subject includes one and one-half baths, a full unfinished basement, and a fireplace.

The appellant argued that the market value of the subject property is not accurately reflected in its assessed value. In support of this overvaluation argument, the appellant stated that the subject was purchased in June 2008 for \$559,000, or \$322.00 per square foot of living area.

The appellant also submitted descriptions and sales information on four properties suggested as comparable and located within one mile of the subject. The properties are described as two-story, masonry or frame dwellings that range in age from 53 to 87 years old, and in size from 1,472 to 1,904 square feet of living area. These comparables have from one to two baths. All of the dwellings have a basement area, two dwellings have air conditioning, three have one fireplace, while Comparable #1 has two fireplaces. Additionally, three of the properties have a garage, ranging from a one-car to a two-car garage. These properties sold from February 2009 to July 2009 for \$40,000 to \$449,000, or \$231.90 to \$278.53 per square foot of living area.

The appellant also submitted an appraisal undertaken by Daniel V. Neberieza of Actra, Inc. The report indicates Neberieza is a State of Illinois certified general real estate appraiser. The appraiser stated that the subject has an estimated market value of \$410,000 as of December 18, 2009. The appraisal report utilized the sales comparison approach to value to estimate the market value for the subject property. The appraisal states that the appraiser personally inspected the property, and that the subject's highest and best use is its present use.

Under the sales comparison approach, the appraiser analyzed the sales of four comparables and three properties listed for sale. The seven comparables are described as two-story, frame, masonry, or frame and masonry dwellings, which range in age from 53 to 87 years old, and in improvement size from 1,110 to 2,360 square feet of living area. The four sales comparables sold from February 2009 to July 2009 for prices ranging from \$449,000 to \$410,000, or from \$231.90 to \$278.53 per square foot of living area. The comparables listed for sale are listed for between \$439,000 and \$449,000, or from \$190.25 to \$395.50 per square foot of living area. The appraiser adjusted each of the comparables for pertinent factors. Based on the similarities and differences of the comparables when compared to the subject, the appraiser estimated a value for the subject under the sales comparison approach of \$410,000 as of December 18, 2009.

The appraisal also stated that the subject sold in June 2008 for \$559,750. The appraiser verified this sale by looking at MLS records and records filed with the Cook County Recorder of Deeds. 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 total assessment of \$54,631 was disclosed. This assessment yields a market value of \$613,831 for the subject, using the 2009 Illinois Department of Revenue three-year median level of assessment for class 2 property of 8.90%. This market value equates to \$353.59 per square foot of living area for the subject.

In support of the subject's assessment, the board of review submitted descriptions and assessment information for four properties located within the subject's subarea. These properties are described as two-story, masonry or frame dwellings, which are from 79 to 84 years old, and contain from 1,536 to 1,730 square feet of living area. The dwellings all have a fireplace, and either a full or partial unfinished basement. Three of the properties have a garage, ranging from a one-car to a two-car garage, and one of the dwellings has air conditioning. These properties have improvement assessments ranging from \$28.95 to \$32.05 per square foot of living area.

The board of review also stated that Comparable #2 sold in September 2007 for \$785,000, or \$456.93 per square foot of living area. The board of review also stated that the subject sold in

June 2008 for \$560,000, or \$322.58 per square foot of living area. Based on this evidence, the board requested confirmation of the subject's assessment.

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. When overvaluation is claimed, the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3d Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2d Dist. 2000). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill. Admin. Code 1910.65(c). Having considered the evidence presented, the Board concludes that the evidence indicates a reduction is warranted.

The appellant's appraisal and the board of review stated that the subject sold for different prices in June 2008. Therefore, the Board finds that the best evidence of the correct sale price is the appellant's appraisal, which had a stated sale price of \$559,750. The Board gave more weight to the appraisal's sale price because the appraiser stated that both the MLS records and the Cook County Recorder of Deeds' records were checked to verify the date and price of the sale.

The Board finds the best evidence of the subject's market value is the sale of the subject in June 2008. The sale was within six months of the 2009 assessment date, and the appellant's appraisal supports the arm's-length nature of the transaction. The subject's assessment reflects a market value greater than this purchase price. The Board accorded the appellant's comparable sales, the appellant's appraisal, and the board of review's comparable sale less weight because "[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); People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945).

Based on this record the Board finds that the subject property had a market value of \$559,750 for tax year 2009. Since market value has been determined, the 2009 Illinois Department of Revenue three-year median level of assessment for class 2 property of 8.90% shall apply. In applying this level of assessment to the subject, the total assessed value is \$49,818 while the subject's current total assessed value is above this amount. Therefore, the Board finds that a reduction 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.

*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: April 20, 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.