



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

APPELLANT: Deeta Bernstein  
DOCKET NO.: 09-20850.001-R-1  
PARCEL NO.: 11-31-108-015-0000

The parties of record before the Property Tax Appeal Board are Deeta Bernstein, the appellant, by attorney Timothy C. Jacobs, of Gary H. Smith PC in Chicago, 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: \$ 15,480  
IMPR.: \$ 17,020  
TOTAL: \$ 32,500**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a parcel with 8,600 square feet of land area that is improved with a one and one-half story dwelling of masonry construction. The dwelling is 96 years old and has 1,438 square feet of living area with a full unfinished basement and a four-car detached garage.<sup>1</sup> The subject property is classified as a class 2-03 residential property under the Cook County Real Property Assessment Classification Ordinance and is located in Chicago, Rogers Park Township, Cook County.<sup>2</sup>

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the overvaluation argument, the appellant submitted an appraisal report in which a market value of \$325,000 or \$226.01 per square foot of living area, land included, was estimated for

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<sup>1</sup> The board of review claims the subject has 1,380 square feet of living area and a 3.5-car garage. However, the board of review did not produce any evidence in support of these claims. The appraiser stated that he had inspected the subject property. The appraiser listed the subject dwelling's living area as 1,438 square feet and provided a detailed drawing to support the size claim. Additionally, the appraiser stated the subject property had a four-car detached garage and a coach house. However, the appraiser did not list the living area of the coach house and did not include it in his valuation of the subject property. The Board accepts the appraiser's claims as to the size and features of the subject dwelling.

<sup>2</sup> Class 2-03 is a one story residence, any age, 1,000 to 1,800 square feet.

the subject property as of May 14, 2009. The appraiser developed the sales comparison approach and the cost approach in order to estimate the market value of the subject property. Under the cost approach, the appraiser estimated that the subject property had a market value of \$334,100. Under the sales comparison approach, the appraiser considered six comparable properties. Four of these properties sold from August 2008 to March 2009 for prices that ranged from \$315,000 to \$360,000 or from \$166.84 to \$252.04 per square foot of living area, land included. Two of the six properties had not yet sold. Comparable #5 was listed for \$319,900 or \$180.53 per square foot of living area, land included, and comparable #6 was listed for \$389,000 or \$311.95 per square foot of living area, land included.

The appraiser analyzed the six comparable sale properties in order to make adjustments to their sale prices for differences from the subject property. The six comparable sale properties have lot sizes that range from 3,936 to 7,500 square feet of land area, and they are located from 0.24 to 0.99 mile from the subject property. Two of the comparables are improved with one and one-half story masonry dwellings. However, the appraiser did not disclose the number of stories for the other four comparables. Instead, the appraiser described the style of these comparables as bungalow, ranch, or Georgian. All six comparables are masonry dwellings that are from 50 to 88 years old and contain from 1,247 to 1,888 square feet of living area. Five comparables have full finished basements, and one has a full unfinished basement. Four comparables have central air conditioning, and three have garages. The appraiser did not disclose if any of the comparables had fireplaces. After identifying differences between the comparable properties and the subject, the appraiser made adjustments to the sale prices. The largest adjustments were for differences in date of sale, lot size, living area, condition, and/or location. As a result, the adjusted sale prices of the six comparable properties ranged from \$317,100 to \$381,800 or from \$172.14 to \$306.17 per square foot of living area, land included. On the basis of this analysis, the appraiser concluded that the subject property had a market value of \$325,000 as of May 14, 2009.

In the brief, the appellant's attorney requested that subject's assessment should be calculated by applying the 10% median level of assessments for Class 2 residential property in Cook County to the estimate of market value contained in the appraisal report. Based on this record, counsel requested the subject's total assessment be reduced to \$32,500.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$47,127 was disclosed. The subject's assessment reflects a market value of \$529,517 or \$368.23 per square foot of living area, land included,<sup>3</sup> using the 2009 three-year median level of assessments

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<sup>3</sup> This calculation was based on the subject having 1,438 square feet of living area.

for Class 2 property in Cook County of 8.90% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.50(c)(2)).

On the grid analysis, the board of review presented descriptions and assessment information on four equity properties. However, the board of review did not present any market value evidence in support of the subject's assessment. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Board finds it has jurisdiction over the parties and the subject matter of the appeal. The 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 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). 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.

In this appeal, the Board finds that the board of review did not present any market value evidence. The Board gives no weight to the equity evidence submitted by the board of review as it is not responsive to the appellant's appeal.

The Board finds the appellant's appraisal report is the best evidence of the subject's market value as of the January 1, 2009 assessment date. The appraiser estimated a market value of \$325,000 or \$226.01 per square foot of living area, land included, for the subject property as of May 14, 2009. The subject's assessment reflects a market value of \$529,517 or \$368.23 per square foot of living area, land included, using the 2009 three-year median level of assessments for Class 2 property in Cook County of 8.90% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.50(c)(2)). The subject's market value as reflected by its assessment is in excess of the market value estimate contained in the appraisal report.

Based on this record, the Board finds a reduction to 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.



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Chairman



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Member



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Member



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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 22, 2012



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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.