



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

APPELLANT: Jakub & Dorota Lojek
DOCKET NO.: 09-21013.001-R-1
PARCEL NO.: 23-14-203-022-0000

The parties of record before the Property Tax Appeal Board are Jakub & Dorota Lojek, the appellants; 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: \$ 3,630
IMPR.: \$ 24,850
TOTAL: \$ 28,480

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 6,600 square foot parcel of land improved with a 5-year old, frame and masonry, single-family dwelling. Amenities include a partial basement with recreational room, central air conditioning, two and one-half baths, three bedrooms, one fireplace and a two-car garage. The appellant argued that the fair market value of the subject is not accurately reflected in its assessed value.

The appellants' brief asserts the subject contains 1,760 square feet of living area, not 2,752 square feet as indicated by the assessor, as the subject is a split-level home consisting of one and one-half stories, not two-stories. To support this, the appellant submitted an appraisal with a schematic drawing of the subject as well as a survey of the subject from 2006.

In support of the market value argument, the appellant submitted an appraisal undertaken by Michael Gornikowski. The report indicates Gornikowski holds the designation of a State of Illinois certified general appraiser. The appraiser personally inspected the interior and exterior of the subject property and

indicated the subject has an estimated market value of \$320,000 as of October 16, 2009. The appraisal report utilized two of the three traditional approaches to value to estimate the market value for the subject property.

Under the cost approach to value, the appraiser used the extraction and allocation methods to determine site value as there were no recent sales of vacant lots in the subject's area. He then arrived at an estimate the value for the land of \$12.12 per square foot or \$80,000, rounded. The replacement cost new was estimated at \$241,240. The age/life method was used to depreciate the improvements by 9% for a depreciated building value of \$221,240. Additional site improvements and the land value were added to establish a value under the cost approach of \$331,200.

Under the sales comparison approach, the appraiser analyzed the sales of three properties, plus one additional property listed for sale, located within the subject's market. The comparables are one and one-half or two-story, residential single-family dwellings located less than one mile from the subject property. The suggested comparable properties contain from 1,257 to 2,829 square feet of living area and sold from July 2009 to October 2009, plus one comparable listed for sale as of October 2009, for prices ranging from \$305,000 to \$369,000, or from \$129.02 to \$242.64 per square foot of living area, including land. 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 \$320,000.

In reconciling the two approaches to value, the appraisal gave primary consideration to the sales comparison approach to value with secondary consideration given to the cost approach to arrive at a final estimate of value for the subject as of October 16, 2009 of \$320,000.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$34,364. This assessment reflects a total market value of \$386,112 based upon the application of the Illinois Department of Revenue's three-year median level of assessment for tax year 2009 of 8.90% for class 2 property, as is the subject.

The board of review submitted descriptive and assessment data as well as photographs relating to four suggested comparables. They are all located within close proximity to the subject. The properties are improved with a two-story, frame and masonry, single-family dwelling with four bedrooms and two and one-half baths. They range: in age from 3 to 13 years; in size from 2,532 to 3,120 square feet of living area; and in improvement assessment from \$11.21 to \$12.29 per square foot. The properties include central air conditioning, one fireplace, and a two- or three-car garage. As a result of its analysis, the board requested confirmation of the subject's assessment.

In written rebuttal, the appellants submitted black and white photographs of the subject and two suggested comparable properties, assessor printouts for the comparables properties, blueprints of the subject, a letter from architect Christopher Bartus indicating the correct square footage of the subject is 1,760 square feet, a copy of the originally submitted appraisal, and a copy of a new appraisal.

After considering the arguments as well as reviewing the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this 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 (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 arm's 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 that the appellants have met this burden and that a reduction is warranted.

The first issue is the size of the subject. The PTAB finds the evidence submitted by the appellants indicates the subject is a one and one-half story dwelling that contains 1,760 square feet of living area. This reflects an improvement assessment of \$17.46 per square foot of living area. The originally submitted appraisal and survey, as well as the blueprints and architect letter submitted on rebuttal, serve as sufficient evidence of subject's correct square footage. Therefore, the PTAB finds the subject is a one and one-half story home that contains 1,760 square feet of living area.

Additionally, the appellants' two suggested comparables as well as the second appraisal were given no weight by the PTAB pursuant to Section 1910.66 (c), which 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 the guise of rebuttal evidence."

However, in determining the fair market value of the subject property, the PTAB finds the best evidence to be the appellants' appraisal. The appellants' appraiser utilized the cost and sales comparison approaches to value in determining the subject's market value.

The PTAB finds this appraisal to be persuasive for the appraiser: has experience in appraising; personally inspected the subject property and reviewed the property's history; and used similar properties in the sales comparison approach while providing sufficient detail regarding each sale as well as adjustments that were necessary.

Therefore, the PTAB finds that the subject property had a market value of \$320,000 for the 2009 assessment year. Since the market value of the subject has been established, the Illinois Department of Revenue's 2009 three year median level of assessment of 8.9% for Cook County Class 2 property will apply. In applying this level of assessment to the subject, the total assessed value is \$28,480 while the subject's current total assessed value is above this amount. Therefore, the PTAB 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.