



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

APPELLANT: Albert Winston
DOCKET NO.: 09-21510.001-R-1
PARCEL NO.: 14-29-312-020-0000

The parties of record before the Property Tax Appeal Board are Albert Winston, 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: \$19,200
IMPR.: \$70,512
TOTAL: \$89,712

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 3,000 square foot parcel of land improved with a 22-year old, two-story, frame, single-family dwelling. The improvement contains 2,688 square feet of living area. Amenities include one and one-half baths, four bedrooms, central air conditioning, a full basement with formal recreational room and a detached two-car garage.

The appellant argued that the subject's market value is not accurately reflected in its assessment as the basis of this appeal.

In support of the overvaluation argument, the appellant submitted descriptive, sales and assessment data as well as assessor print-outs with photographs and sales data from the Cook County Recorder of Deeds and the Chicago Tribune website on four properties suggested as comparable. Suggested comparables #1, #2 and #3 are located within three and one-half blocks from the subject based on a Google map submitted by the appellant. The properties are improved with a two-story, masonry or frame, single-family dwelling with central air conditioning, one to two

fireplaces and two and one-half to four and one-half baths. Suggested comparables #3 and #4 include a detached two-car garage. The sales comparables range in age from 2 to 22 years and in size from 2,529 to 3,533 square feet of living area. These properties sold from March 2009 to April 2010 for prices that ranged from \$705,000 to \$1,088,000 or from \$254.33 to \$307.95 per square foot of living area, including land. Based upon this analysis, the appellant requested a reduction in the subject's assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$114,758. This assessment reflects a total market value of \$1,289,416 or \$479.69 per square foot 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 subject's neighborhood code. The properties are improved with a two-story, twenty-two year old, frame or masonry, single-family dwelling with three or four bedrooms, central air conditioning, and a detached two-car garage. They range in improvement assessment from \$35.49 to \$41.17 per square foot of living area. The board of review also noted that suggested comparable #1 sold in July 2007 for \$1,146,000, or \$426.34 per square foot, including land. Suggested comparable #1 is located next door to the subject property and is identical in every property characteristic. As a result of its analysis, the board requested confirmation of the subject's assessment.

In written rebuttal, the appellant clarified descriptive data for the board of review's suggested comparables, confirmed that the board of review's suggested comparable #1 is identical to the subject property and provided sales data for two properties that were not listed on the board of review's grid sheet. These two additional sales comparables submitted on rebuttal were given no weight by the Board 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. (86 Ill.Adm.Code 1910.66(c)).

The appellant also argued that the board of review's sales list evidencing neighborhood sales dating back to 1996 was irrelevant.

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 appellant has met this burden and that a reduction is warranted.

The parties submitted a total of five sales suggested as comparable for the Board's consideration. The Board finds that comparables #1 through #4 submitted by the appellant as well as comparable #1 submitted by the board of review are most similar to the subject in location, style, size, and/or amenities. In analysis, the Board accorded the most weight to these comparables. These comparables ranged in price from \$254.33 to \$426.34 per square foot of living area, including land. The subject's purported market value designated by the assessor's office at \$479.69 per square foot is above the range established by these sale comparables.

Therefore, the Board finds that the appellant has met its burden by a preponderance of the evidence and that the subject does warrant a reduction based upon the market data submitted into evidence.

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: May 18, 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.