



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

APPELLANT: Harry Teehan
DOCKET NO.: 09-22373.001-R-1
PARCEL NO.: 28-30-403-010-0000

The parties of record before the Property Tax Appeal Board are Harry Teehan, the appellant, by attorney Brian P. Liston of the Law Offices of Liston & Tsantilis, P.C. 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: \$ 2,031
IMPR.: \$ 14,469
TOTAL: \$ 16,500

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one and one-half story, mixed-use building of frame construction containing 2,024 square feet of building area.¹ The building is approximately 39 years old. Features of the building include two apartment units, a full unfinished basement and a two-car garage.² The subject is classified as a class 2-12 residential property under the Cook County Real Property Assessment Classification Ordinance and is located in Tinley Park, Bremen Township, Cook County.

For the 2009 appeal, 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 \$165,000 or \$81.52 per square foot of living area, land included, was estimated for the subject property as of January 1,

¹ The Property Tax Appeal Board takes notice that the subject property was the subject matter of an appeal the prior tax year under Docket No. 08-21919.001-R-1. In that appeal, the property was described as having 1,723 square feet of living area. Due to the differences in descriptions, the Board will not give any deference to the prior year's decision.

² In the appellant's appraisal, the appraiser claims the subject property has a two-car garage. The board of review claims the subject property has a three-car garage. Since the appraiser has inspected the property, the Board will accept the appraiser's description of the subject's garage.

2009. The appraiser developed only the sales comparison approach in order to estimate the market value of the subject property. The appraiser did not attempt to develop the income approach "due to the lack of comparable rental data in this market, making it impossible to develop a GRM or identify capitalization rates." (Appraisal, p.1) Furthermore, according to the appraiser, "the subject is functioning as a single family residence." (Appraisal, p.3)

Under the sales comparison approach, the appraiser considered three single-family properties that sold from December 2007 to April 2008 for prices that ranged from \$165,000 to \$177,500 or from \$80.61 to \$114.81 per square foot of living area, land included. The three comparable sale properties have lot sizes that range from 7,395 to 29,966 square feet of land area, and they are located from 0.22 to 0.81 of a mile from the subject property. The comparables are improved with one and one-half or two-story dwellings of frame construction. The dwellings are from 51 to 78 years old and contain from 1,546 to 2,047 square feet of living area. Each comparable has a full basement, one of which is finished. Each comparable has a garage and central air conditioning, and one comparable has a fireplace.

The appraiser analyzed the three comparable sale properties in order to make adjustments to their sale prices for differences from the subject property. 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 living area, site size, contract date, location, central air conditioning, and bathrooms. The adjusted sale prices of the comparable properties ranged from \$134,000 to \$173,000 or from \$65.46 to \$107.32 per square foot of living area, land included. After adjusting each comparable's sale price, the appraiser based his conclusion of the subject's market value by looking at "comparable #3's unadjusted sale price" of \$165,000. Consequently, the appraiser concluded that the subject property had a market value of \$165,000 as of January 1, 2009.

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 \$16,500.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$24,470 was disclosed. The subject's assessment reflects a market value of \$274,944 or \$135.84 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 board of review presented a description and assessment information on one equity property. The only market value evidence submitted by the board of review was a list of twenty sale properties that sold from 1991 through 2006 for prices ranging from \$83,000 to \$400,000. Descriptive evidence for these sale properties was not provided. 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 (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.

In this appeal, the Board finds that the board of review presented no substantive or descriptive 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, which is based on overvaluation. The board of review did provide a list of twenty sale properties but descriptive evidence for these properties was not provided. Therefore, little weight was given to this evidence.

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 \$165,000 or \$81.52 per square foot of living area, land included, for the subject property as of January 1, 2009. The subject's assessment reflects a market value of \$274,944 or \$135.84 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.



Chairman



Member



Member



Member



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: August 23, 2013



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.