



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

APPELLANT: Urszula Czarnewicz
DOCKET NO.: 09-23792.001-R-1
PARCEL NO.: 13-30-328-018-0000

The parties of record before the Property Tax Appeal Board are Urszula Czarnewicz, 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: \$5682
IMPR.: \$5,443
TOTAL: \$11,125

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 4,059 square foot parcel of land improved with a 85-year old, one-story, frame, single-family dwelling. The subject includes one bath, a full unfinished basement, no air conditioning, and a two-car garage. The appellant argued that the market value of the subject property is not accurately reflected in its assessed value.

In support of this market value argument, the appellant submitted a copy of the Real Estate Contract and the Settlement Statement stating that the subject property sold for \$125,000.00 on May 15, 2009. The second page of the Settlement Statement itemizes broker fees. The appellant also asserts on the petition that the subject was on the market for 1 day, listed on the multiple listing service, and was not purchased by related parties.

In addition, the appellant submitted a copy of the lender's appraisal that was prepared for the purchase of the subject property. The appraisal was undertaken by Joseph Yoon of Chicagoland Appraisal Associates, LTD. The appraiser indicated the subject has an estimated market value of \$125,000 as of April 28, 2009. The appraisal report utilized the cost and the sales comparison approach to value to estimate the market value for the subject property. The appraisal report included interior and exterior photographs of the subject's improvement and

comparables. The appraisal finds highest and best use in its present use.

The appraisal stated that the subject was improved with an 85-year old, masonry, single-family dwelling containing 739 square feet of living area. The dwelling is in overall average condition.

Under the sales comparison approach, the appraiser analyzed the sale of three, frame or masonry single-family dwellings located within the subject's market. The properties contain between 600 and 1,350 square feet of living area. The comparables sold from August 2008 to March 2009 for prices ranging from \$112,500 to \$154,000 or from \$94.54 to \$236.67 per square foot of living area. Based on the similarities and differences of the comparables when compared to the subject, the appraiser estimated that the value for the subject under the sales comparison approach is \$125,000.

Under the cost approach, the appraiser indicated that the site value is \$50,000 for the subject property. In estimating a replacement cost new for the subject, he opined a cost of \$98,726. Less depreciation resulted in a depreciation cost of the improvements at \$63,471. Adding site improvements of \$8,000, as well as the land value resulted in a market value estimate under this approach of \$121,471.

The appraiser indicated that most weight was accorded to the sales comparison approach to value in reconciling a final value estimate of \$125,000 for the subject property. Based upon this data, the appellant requested a reduction in the subject's market value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$21,183 was disclosed. This assessment reflects a market value of \$238,011 using the Illinois Department of Revenue's 2009 three-year median level of assessment for class 2 property of 8.90%. The board of review asserts the subject contains 837 square feet of living area without further information. The board of review submitted raw sales data for twenty sales from July 1997 to September 2008 and for prices ranging from \$21,500 to \$320,000. In support of the subject's assessment, the board of review submitted descriptions and assessment information for four properties located within the subject's neighborhood. These properties are described as one-story, frame, single-family dwellings with between one and two baths, full basement, and between one to two and one-half garage. The properties range: in age from 79 to 89 years old; in size from 798 to 858 square feet of living area; and in improvement assessments from \$20.86 to \$22.64 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a letter asserting that the board of review's sales comparables are not similar to the

subject because they are from 1994. Appellant contends that housing market values plummeted at the end of 2008 and sale's price evidence dating back to 1994 is "not logical." In addition, the appellant submitted evidence on three additional comparables. The Official Rules of the Property Tax Appeal Board prohibit the submission of new evidence as rebuttal and, therefore, the three additional comparables cannot be considered by the PTAB. 86 Ill.Admin.Code 1910.66

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; Winnbago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d (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 in the subject's assessment is warranted.

The Board finds the best evidence of market value is the sale of the subject in May 2009 for \$125,000 as evidenced by the sales contract and the settlement statement. The Board finds the settlement statement, line 703, shows a commission was paid to a broker at closing and that the property was on the market for 1 day, listed on the multiple listing service, and not purchased by related parties. This supports the arm's length nature of the sale. The subject's assessment reflects a market value greater than this purchase price. In addition, the square footage as cited in the appraisal shall be deemed correct due to the appraiser personally inspecting the property.

Based on this record, the PTAB finds that the subject property has a market value of \$125,000.00 for the 2009 assessment year. Since market value has been determined, the 2009 three-year median level of assessment for class 2 property as established by the Illinois Department of Revenue of 8.90% shall apply and 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.

Ronald 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.