



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

APPELLANT: Paul Weiss  
DOCKET NO.: 09-24078.001-R-1  
PARCEL NO.: 13-28-313-026-0000

The parties of record before the Property Tax Appeal Board are Paul Weiss, 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: \$4,375  
IMPR.: \$11,645  
TOTAL: \$16,020**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 3,125 square foot parcel of land improved with a 91-year old, one and one-half story dwelling of frame construction. Features of the dwelling include one and one-half baths, a full unfinished basement, and a one-car garage. The appellant argued both unequal treatment in the assessment process and that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of equity argument, the appellant submitted descriptions on a total of three properties suggested as comparable. The properties are described as one or one and one-half story, frame, single or multi-family dwellings with between one and two baths, full unfinished or finished basements, and one to two-car garages. The properties range: in age from 91 to 98 year old; in size from 720 to 2145 square feet of living area; and in improvement assessments from \$10.95 to \$22.19 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

In support of this market value argument, the appellant submitted raw sales data collected from the "Redfin" website and copies of the county assessor's website printouts for seven properties sold in 2009 and an additional thirteen properties

sold in 2010. The properties sold in 2009 are located within one-half mile of the subject and range in age from 82 to 99-years old and in size from 1,440 to 1,952 square feet of living area. These properties sold from November 2009 to February 2010 for prices ranging from \$57,000 to \$122,000 or from \$38.69 to \$63.69 per square foot of living area, including land. The properties sold in 2010 are located within one-mile of the subject property and range in age from 82 to 111-years old and in size from 1,440 to 1,974 square feet of living area. These properties sold from February 2010 to June 2010 for prices ranging from \$65,000 to \$135,000 or from \$36.42 to \$85.26 per square foot of living area, including land. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

In support of the market value argument, the appellant also submitted an appraisal undertaken by Gregory Khorlinsky. The report indicates that Gregory Khorlinsky is a State of Illinois certified general appraiser. The appraiser indicated the subject has an estimated market value of \$180,000 as of January 1, 2009. The appraisal report utilized the cost and sales comparison approaches to value to estimate the market value for the subject property. The appraisal finds highest and best use in its present use.

The appraisal stated that the subject was improved with a 92-year old, cottage dwelling of frame construction containing 910 square feet of living area and in overall average condition.

Under the sales comparison approach, the appraisal analyzed the sale of three, cottage dwellings of frame construction located within the subject's market. The properties contain between 720 and 1,076 square feet of living area. The comparables sold from February 2008 to October 2008 for prices ranging from \$170,000 to \$195,500 or from \$173.79 to \$249.68 per square foot of living area. 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 was \$180,000.

Under the cost approach, the appraiser indicated that the site value is \$105,000 for the subject property. In estimating a replacement cost new for the subject, he opined a cost of \$117,850. Less depreciation resulted in a depreciation cost of the improvements at \$73,656. Adding site improvements of \$5,000, as well as the land value resulted in a market value estimate under this approach of \$183,700.

The appraiser indicated that most weight was accorded to the sales comparison approach to value in reconciling a final value estimate of \$180,000 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 was \$22,796 for

tax year 2009. The subject's assessment reflects a market value of \$256,134 using the Illinois Department of Revenue's 2009 three-year median level of assessment for class 2, residential property of 8.90%. In support of subject's assessment, the board of review presented descriptions and assessment information on four suggested comparables located within the subject's market. The properties consist of one and one-half story, frame, single-family dwellings with between one and two baths, a full unfinished basement, and a one or two-car garage for three of the properties. The properties range: in age from 84 and 91 years old; in size from 1,417 and 1,440 square feet of living area; and in improvement assessments from \$15.27 to \$15.44 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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.

In determining the fair market value of the subject property, the Board finds that best evidence is the appellant's appraisal of the subject in January 2009 for \$180,000. The Board finds this appraisal to be persuasive because the appraiser personally inspected the interior and exterior of the subject property, and utilized market data to obtain sales comparables while providing sufficient detail regarding each sale in estimating the subject's market value. The subject's assessment reflects a market value greater than this purchase price.

Based on this record, the PTAB finds that the subject property has a market value of \$180,000 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. Since the PTAB found a reduction warranted based on market value, the PTAB does not need to consider the appellant's equity argument.

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: August 28, 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.