



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

APPELLANT: Andrew Zaborski
DOCKET NO.: 09-24408.001-R-1
PARCEL NO.: 19-31-415-001-0000

The parties of record before the Property Tax Appeal Board are Andrew Zaborski, 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: \$4,488
IMPR: \$4,190
TOTAL: \$8,678

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 10,561 square foot parcel of land improved with a 57-year old, one-story, frame, single-family dwelling. Amenities include one full bath, two bedrooms, central air conditioning, and an attached one-car garage. The appellant argued that the fair market value of the subject is not accurately reflected in its assessed value.

In addition, the appellant argued that the subject's living area square footage was incorrectly listed by the county as having 888 square feet of living area. The appellant submitted an appraisal indicating that the subject contains 1,305 square feet of living area.

In support of the market value argument, the appellant submitted an appraisal authored by James E. Sloan of Accurate Services, Inc. The report indicates Sloan holds the designation of a State of Illinois certified residential real estate appraiser. The appraiser personally inspected the interior and exterior of the subject, as well as the exterior of the sales comparables, and indicated the subject has an estimated market value of \$97,500

for the 2009 tax year. The appraisal report utilized the sales comparison approach to value to estimate the market value for the subject property.

Under the sales comparison approach, the appraiser analyzed the sales of six properties located within one and three-quarter miles of the subject property. According to the appraiser, all six of these comparables were similar to the subject and were the very best comparables available. The comparables are all one or one and one-half story, single-family dwellings with frame or frame and masonry exterior construction. Amenities include one full bath, two or three bedrooms, and central air conditioning for five of the comparables. The properties contain from 1,008 to 1,491 square feet of living area and sold from March 2009 to December 2009 for prices ranging from \$80,000 to \$140,000, or from \$67.07 to \$127.85 per square foot of living area, including land. The appraiser adjusted each of the comparables for pertinent factors. Sloan also noted that based on his exterior inspection, measurements, and multiple listing service description, comparables #1 and #3 differed in actual improvement square footage from the assessor's records and contained a greater square footage of living area than indicated by the assessor's records. Based on the similarities and differences of the comparables when compared to the subject, the appraiser estimated a value for the subject of \$97,500.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$14,860 was disclosed. This assessment reflects a market value of \$166,966 using the Illinois Department of Revenue's 2009 three year median level of assessment of 8.9% for Cook County Class 2 property. In support of the subject's assessment, the board of review presented descriptions and assessment information, as well as photographs, on a total of four properties suggested as comparable and located within the subject's neighborhood. Two of the properties are located within one-quarter mile of the subject. The properties are described as one-story, frame, single-family dwellings with one full bath, two or three bedrooms, and a one or one and one-half car garage. The properties range: in age from 48 to 59 years; in size from 864 to 962 square feet of living area; and in improvement assessment from \$14.38 to \$16.06 per square foot of living area. The board also noted suggested comparable #2 sold in February 2007 for \$179,500, or \$189.15 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant testified that he did not know the square footage of the subject property. The board of review's representative indicated that the appraiser may not have personally inspected the sales comparables as he used photographs from the multiple listing service in the appraisal, that the square footage of the subject as well as the appraiser's comparables #1 and #3 differed from the assessor's records, and

that the appraiser's sales comparables were all short sales or foreclosures and should be excluded.

After considering the testimony 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. The Board further finds a reduction in the subject's assessment is warranted.

The first issue before the Board is the subject's square footage. The Board finds the appellant submitted sufficient evidence to establish that the subject contains 1,305 square feet of living area. The appraiser personally inspected the interior and exterior of the subject property and included a building sketch of the subject in his appraisal. Therefore, the Board finds that the subject contains 1,305 square feet of living area. This reflects an improvement assessment of \$7.95 per square foot of living area and a current market value of \$127.94 per square foot of living area, including land.

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, 331Ill.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.Admin.Code 1910.65(c). Having considered the evidence presented, the Board concludes that the evidence indicates a reduction is warranted.

In determining the fair market value of the subject property, the Board finds the best evidence to be the appellant's appraisal. The appellant's appraiser utilized the sales comparison approach to value in determining the subject's market value.

The Board finds this appraisal to be persuasive for the appraiser: has experience in appraising; personally inspected the interior and exterior of 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. The appraiser indicated that he performed an exterior inspection of all suggested comparables and relied on this inspection, as well as measurements and the multiple listing service, in order to determine the comparables' correct square footage of living area. Additionally, he indicated that he used a photograph from the multiple listing service when either it better represented the condition of the property at the time of the indicated transaction or there was a conflict with the fair lending act as possible owners, tenants or random people were visible at the time of the inspection.

The Board gives little weight to the board of review's comparables as they do not address the appellant's market value argument.

Therefore, the Board finds that the subject property had a market value of \$97,500 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 \$8,678 while the subject's current total assessed value is above this amount. Therefore, the Board 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.

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: June 22, 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.