



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

APPELLANT: John C. and Ilona Dabek  
DOCKET NO.: 09-25720.001-R-1  
PARCEL NO.: 05-20-300-037-0000

The parties of record before the Property Tax Appeal Board are John C. and Ilona Dabek, 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:** \$15,197  
**IMPR.:** \$28,413  
**TOTAL:** \$43,610

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of 13,503 square feet of land that is improved with a 46 year old, multi-level, masonry dwelling containing 2,895 square feet of living area. The subject contains a three baths, air conditioning, two fireplaces, and a two-car garage. The subject is also located on the corner of a busy intersection, and is within a Federal Emergency Management Agency designated Special Flood Hazard Area. The appellant argued that the fair market value of the subject was not accurately reflected in its assessed value.

In support of the market value argument, the appellant submitted an appraisal undertaken by Leslie A. Allan of Property Valuation Services. The report states that Allan is a State of Illinois certified associate real estate appraisal trainee. The report was co-signed by Harry M. Fishman, who is a State of Illinois certified general real estate appraiser. The appraiser stated that the subject has an estimated market value of \$490,000 as of January 1, 2009. The appraisal report utilized the sales comparison approach to value to estimate the market value for the subject property. The appraisal states that the subject's highest and best use is its present use.

Under the sales comparison approach, the appraiser analyzed the sales of three comparables that are described as multi-level or

two-story, masonry or frame and masonry dwellings, which range in age from 52 to 86 years old, and in improvement size from 2,380 to 2,795 square feet of living area. The three comparables sold from August 2008 to March 2010 for prices ranging from \$482,500 to \$522,000, or from \$186.76 to \$202.73 per square foot of living area. The appraiser adjusted each of the comparables for pertinent factors. 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 of \$490,000 as of January 1, 2009. The appellant also submitted an MLS listing for the dwelling next door to the subject, which lists that property for sale for \$399,000 as of September 2010. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$83,599 was disclosed. The subject's final assessment reflects a fair market value of \$939,315 when the 2009 Illinois Department of Revenue three-year median level of assessment for class 2 properties of 8.90% is applied. In support of the subject's assessment, the board of review presented descriptions and assessment information on four suggested comparables located within the subject's neighborhood. The properties consist of two story, masonry dwellings that range in age from 37 to 59 years old, and in size from 2,624 to 3,536 square feet of living area. These comparables have from two to three and one-half baths, and a one-car or two-car garage. Three of the comparables have a full basement area, one has two fireplaces, and two have one fireplace. Additionally, three of these dwellings have air conditioning.

The board of review also submitted a list of sales of properties located within the subject's neighborhood. This list included the PIN, deed number, the date of the sale, and the sale price for twenty properties. No further information was provided regarding these properties. Based on this evidence, the board requested confirmation of the subject's assessment.

In rebuttal, the appellant stated that the list of twenty property sales submitted by the board of review contains properties that are not comparable to the subject because they are not in a floodplain and are not located on the corner of a busy intersection. The appellant also reaffirmed the evidence previously submitted.

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); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (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 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 because the appraiser has experience in appraising, reviewed the property's history, and used similar properties in the sales comparison approach while providing adjustments that were necessary. The Board gives little weight to the board of review's comparables as the information provided was unadjusted raw sales data.

Therefore, the Board finds the subject had a market value of \$490,000 for tax year 2009. Since the market value of this parcel has been established, the 2009 Illinois Department of Revenue three-year median level of assessment for Class 2 properties of 8.90% will apply. In applying this level of assessment to the subject, the total assessed value is \$43,610 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: 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.