



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

APPELLANT: Derrick Fisher  
DOCKET NO.: 09-26034.001-R-1  
PARCEL NO.: 29-31-316-008-0000

The parties of record before the Property Tax Appeal Board are Derrick Fisher, 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:** \$ 4,983  
**IMPR.:** \$ 14,152  
**TOTAL:** \$ 19,135

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 16,610 square foot parcel of land improved with a 110-year old, two-story, frame, single-family dwelling. The improvement contains 1,754 square feet of living area per the Assessor's records. Amenities include two and one-half baths, four bedrooms, a full unfinished basement, air conditioning and a three-car detached garage.

The appellant raised two arguments: first, that there is unequal treatment in the assessment process; and second, that the subject's market value is not accurately reflected in its assessment as the bases of this appeal.

In support of the equity argument, the appellant submitted descriptive and assessment data for four suggested comparables. The properties are improved with a two-story, frame or frame and masonry, single-family dwelling. All suggested comparables have one fireplace, two and one-half baths and a two-car attached garage. They range: in age from 7 to 13 years; in size from 1,751 to 1,953 square feet of living area; and in improvement

assessment from \$10.92 to \$11.65 per square foot. The subject's improvement assessment is \$7.60 per square foot of living area.

In support of the overvaluation argument, the appellant submitted a copy of an appraisal prepared by Charles Graf dated August 1, 2009 indicating subject's market value was \$215,000. The report indicates Graf is a State of Illinois certified general appraiser. The appraiser indicated the subject has an estimated market value of \$215,000 as of August 1, 2009. The appraisal report utilized the cost approach as well as the sales comparison approach to value to estimate the market value for the subject property.

Under the cost approach to value, the appraiser used the allocation method to obtain the opinion of the site value as no recent site sales were available for comparison, to arrive at an estimate of the value for the land at \$40,000. The replacement cost new was utilized to determine a cost for the improvement at \$231,590. The age life method was used to depreciate the improvement by 70% for a depreciated building value of \$180,075. The land was added back in to establish a value under the cost approach of \$220,100, rounded.

Under the sales comparison approach, the appraiser analyzed the sales of four properties, plus two additional properties listed for sale, located within the subject's market. The comparables are two-story or cape cod, residential single-family dwellings located less than one and one-half miles from the subject property. The appraiser included the square footage of the subject property's addition which was not yet included in the assessor's description, indicating that the subject contains 2,320 square feet of living area. The suggested comparable properties contain from 1,305 to 2,475 square feet of living area and sold from August 2008 to July 2009, plus two units listed for sale as of August 2009, for prices ranging from \$190,000 to \$249,900, or from \$96.57 to \$161.06 per square foot of living area, including land. 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 \$215,000.

In reconciling the two approaches to value, the appraiser gave primary consideration to the sales comparison approach to value with secondary consideration given to the cost approach to arrive at a final estimate of value for the subject as of August 1, 2009 of \$215,000.

Based on this evidence the appellant requested the subject's assessment be reduced.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment is \$30,813. This assessment reflects a total market value of \$346,213 based upon the application of the Illinois Department of Revenue's three-

year median level of assessment for tax year 2009 of 8.90% for class 2 property, as is the subject.

The board of review submitted descriptive and assessment data as well as photographs relating to four suggested comparables. They are all located in subject's same neighborhood code. The properties are improved with a two-story, frame, single-family dwelling with four bedrooms. They range: in age from 83 to 98 years; in size from 1,469 to 1,831 square feet of living area; and in improvement assessment from \$7.79 to \$8.71 per square foot. The properties include a full unfinished basement, one to two full baths and one and one-half to two and one-half car garage area. As a result of its analysis, the board requested confirmation of the subject's assessment.

After considering the arguments 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 appellant contends unequal treatment in the subject's improvement assessment as one of the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the data, the Board finds that the appellant has not met this burden.

The Board finds that comparables comparables #1, #2 and #4 submitted by the board of review are most similar to the subject in location, age, exterior construction and/or amenities. In analysis, the Board accorded most weight to these comparables. These comparables range in improvement assessment from \$7.79 to \$8.71 per square foot of living area. The subject's improvement assessment at \$7.60 per square foot is below the range established by these comparables. Therefore, the Board finds no reduction is warranted as to this issue raised by the appellant.

As to the appellant's second issue, 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); 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.AdM.Code 1910.65(c)). Having considered the evidence presented, the Board finds that the appellant has met this burden and that a reduction is warranted.

In determining the fair market value of the subject property, the PTAB finds the best evidence to be the appellant's appraisal. The

appellant's appraiser utilized the cost and sales comparison approaches to value in determining the subject's market value.

The PTAB finds this appraisal to be persuasive for the appraiser: has experience in appraising; personally inspected 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.

Therefore, the PTAB finds that the subject property had a market value of \$215,000 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 for the subject is \$19,135 while the subject's current total assessed value is above this amount. Therefore, the PTAB finds that the appellant has met its burden by a preponderance of the evidence and that the subject does warrant a reduction based upon the market data submitted into evidence.

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*

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Chairman

*K. L. Fern*

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Member

*Frank A. Huff*

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Member

*Mario Morris*

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Member

*J. R.*

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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*

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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.