



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

APPELLANT: Nancy Eickelmann
DOCKET NO.: 09-26600.001-R-1
PARCEL NO.: 02-28-301-123-0000

The parties of record before the Property Tax Appeal Board are Nancy Eickelmann, the appellant; and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$ 480
IMPR.: \$ 44,509
TOTAL: \$ 44,989

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story, frame and masonry, single-family dwelling. This townhouse contains amenities such as two full and one half-baths, one fireplace and an attached, two-car garage.

The appellant raised three arguments: first, that land and improvement data were incorrect; second, that there was unequal treatment in the assessment process; and third, that the subject's market value is not accurately reflected in its assessment as the bases of this appeal.

As to the subject property, the appellant asserts that the subject's land parcel consists of 2,550 square feet and is improved with a five-year old townhouse containing 2,292 square feet of living area. In support of this assertion, the appellant submitted a copy of a uniform residential appraisal report. This report with an effective date of April, 2005, indicates that the appraiser personally inspected the interior and exterior of the subject property, while incorporating copies of dimension calculations and floor plans in support thereof. In contrast, the board of review's grid analysis reflected that the subject's

land size was 2,400 square feet with an improvement of 1,867 square feet without further documentation.

In support of the equity argument, the appellant submitted descriptive and assessment data as well as photographs for three suggested comparables located within a four-block radius from the subject. The properties were improved with a five-year old, two-story, frame or masonry, single-family dwelling. The town houses range: in land size from 2,288 to 3,112 square feet; in improvement size from 2,223 to 2,290 square feet of living area; and in improvement assessments from \$17.83 to \$21.58 per square foot after correcting the appellant's mathematical errors reflected on her grid analysis. Amenities include two full and one-half baths, one fireplace and an attached two-car garage. The subject's improvement assessment is \$19.42 per square foot of living area, after correcting the appellant's mathematical error. In addition, the appellant's grid analysis reflected that the subject was purchased in July, 2005, for \$495,000.

As to the overvaluation argument, the appellant submitted a uniform residential appraisal report with an effective date of April 20, 2005 and a market value estimate of \$496,000. The appraisal was undertaken by Charles J. Hossack, who holds the designation of General Real Estate Appraiser. The purpose of the report was to assist the client, Wells Fargo Bank, in evaluating the subject property for lending purposes. The appraisal also indicated that the use of this appraisal by anyone other than the stated intended user or for any other use than the stated use, is prohibited.

The appraisal stated that the subject is located in a new gated townhome community known as "Maison Du Comte" in Palatine. The appraiser indicated that the surrounding properties had been improved with similar townhome-style properties with the subject appearing to be compatible to the surrounding area. He noted that there was no apparent functional or external obsolescence observed during the inspection. The appraisal addressed two of the three traditional approaches to value.

The appraiser developed the cost approach where the site value was estimated at \$150,000. Using the Marshall and Swift Cost Manuals, he estimated the reproduction cost new of the improvements at \$139.00 per square foot or \$309,420. The appraiser indicated that there was neither physical, functional nor external obsolescence. Adding the site improvements reflected a value under the cost approach of \$503,900.

As to the sales comparison approach to value, the appraiser submitted descriptive data and photographs on three suggested comparables located within a six-block radius of the subject. These properties sold from December, 2004, through February, 2005, for prices that ranged from \$510,404 to \$558,830 or from \$222.88 to \$244.03 per square foot of living area. They were improved with a new, two-story, frame and masonry, townhouse in good condition. Each of the improvements contained 2,290 square

feet of living area as well as a full basement, one fireplace, and an attachment two-car garage. After making adjustments, the appraiser estimated the subject's market value under this approach to value to be \$496,000. In reconciling the approaches to value, most weight was accorded the sales comparison approach. Based upon this analysis, the appellant requested a reduction in the subject's assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$44,989. This assessment reflected a total market value of \$505,494 based upon the application of the Illinois Department of Revenue's three-year median level of assessment for tax year 2009 of 8.9% for class 2 property, as is the subject.

The board of review submitted descriptive and assessment data relating to four suggested comparables located within a one-block radius of the subject. The properties are improved with a one-year old, two-story, frame and masonry, town house with two full and one half-baths. Each improvement also includes 1,867 square feet of living area, a full basement, one fireplace and a two-car garage.

In addition, the board's analysis indicated that properties #2 through #4 sold from August, 2007, to March, 2008, for prices that ranged from \$510,000 to \$556,000 or from \$273.17 to \$297.80 per square foot. No further documentation was submitted. As a result of its analysis, the board requested confirmation of the subject's assessment.

The appellant submitted written rebuttal documentation arguing that the descriptive data relating to the board of review's properties #2 through #4 varied from the board's assertions. In addition, she asserted that the board's comparable #1 was purchased in March, 2005, for a price of \$526,500. Lastly, she argued that the board of review had failed to submit any support documentation relating to the properties' description or sales.

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.

As to the appellant's issue regarding the subject's land and improvement size, the Board finds that the best evidence of land and improvement size was provided by the appellant within the confines of the appellant's appraisal. Therefore, the Board finds that the subject's land consists of 2,550 square feet with an improvement size of 2,292 square feet of living area.

The appellant contends unequal treatment in the subject's improvement assessment as 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 #1 through #3 submitted by the appellant are most similar to the subject in location, style, exterior construction, improvement size and/or age. In analysis, the Board accorded most weight to these comparables. These comparables ranged in improvement assessments from \$17.83 to \$21.58 per square foot of living area. The subject's improvement assessment at \$19.42 per square foot is within 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 not met this burden and that a reduction is not warranted.

The Board finds the appraisal report and sale comparables submitted by the appellant to be unpersuasive. The appraiser specifically indicated that intended user of the appraisal report to be Wells Fargo Bank with the intended use as for lending purposes. This report is too aged reflecting an effective date in 2005 and fails to address the ad valorem value of the subject property as of the assessment date at issue, which is January 1, 2009. Therefore, the Board finds the report unpersuasive. Moreover, the Board finds that the submitted sale comparables are too distant in time to be relevant to the 2009 tax year at issue. These properties sold from December, 2004, through February, 2005. Therefore, the Board accorded these properties little weight. In contrast, the board of review submitted three properties located within the subject's neighborhood that sold from August, 2007, to March, 2008, which support the subject's current market value.

Moreover, the Board accords diminished weight to the subject's sale due to a disparity in said sale as being too distant from the assessment year at issue. Further, the appellant failed to provide any documentation to indicate that the sale was an arm's length transaction.

Therefore, the Board finds that the appellant has not met its burden by a preponderance of the evidence and that the subject does not 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.

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: February 24, 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.