



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

APPELLANT: David Mieczkowski  
DOCKET NO.: 09-26971.001-R-1  
PARCEL NO.: 02-20-200-015-0000

The parties of record before the Property Tax Appeal Board are David Mieczkowski, 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:** \$ 16,448  
**IMPR.:** \$ 32,502  
**TOTAL:** \$ 48,950

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of 51,401 square foot parcel of land improved with a 35-year old, two-story, masonry, single-family dwelling. 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 Nancy R. McCreadie of McCreadie & Associates. The report indicates that Nancy R. McCreadie is a State of Illinois certified residential real estate appraiser. The appraiser indicated the subject has an estimated market value of \$550,000 as of December 6, 2007. The appraisal report utilized the sales comparison approach to value to estimate the market value for the subject property. The appraisal finds the subject's highest and best use is its present use.

In describing the subject property, the appraisal lists the subject as containing 3,761 square feet of living area. The appraisal includes a drawing of the subject with the dimensions included.

Under the sales comparison approach, the appraiser analyzed the sales of three, one-story or two-story, frame and masonry or masonry, single-family dwellings. The properties range: in age from 23 to 35 years and in size from 3,316 to 3,868 square feet of living area. The comparables sold from April 2007 to October 2007 for prices ranging from \$560,000 to \$610,000 or from \$144.78 to \$177.93 per square foot of living area. The appraiser adjusted each of the comparables for pertinent factors. Based on the similarities and difference of the comparables when compared to the subject, the appraiser estimated a value for the subject under the sales comparison approach of \$146.24 per square foot of living area or \$550,000.

In addition, the appellant submitted a settlement statement and a letter from a realtor, Tim J. Fulk, of R.D. Fulk & Associates, in support of the market value argument. The settlement statement states that the subject was purchased in January 2008 for \$550,000 and realtor fees were paid. The letter from the realtor states that the sale of the subject was not between related parties and that the purchase price was indicative of the current market at the time of the sale. In summary, this evidence indicates that the sale of the subject was an arm's length transaction.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$83,656 was disclosed. The subject's final assessment reflects a fair market value of \$939,955 when the Illinois Department of Revenue 2009 three-year median level of assessment of 8.90% for Class 2 properties is applied. The board of review lists the subject as containing 3,190 square feet of living area. 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 subarea. The properties consist of two-story, masonry, frame and masonry or frame, single-family dwellings. Features include a full or partial basement, air conditioning, one or two fireplaces, and a two-car or two and one-half car garage. The properties range: in age from 30 to 42 years; in size from 2,867 to 3,444 square feet of living area; and in improvement assessments from \$20.44 to \$21.10 per square foot of living area.

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

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 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2<sup>nd</sup> 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.

As to the subject's size, the Board finds that the appellant submitted sufficient evidence to establish the subject's size at 3,761 square feet of living area. The appraisal indicates the subject was personally inspected and measured by including the diagram of the building. The board of review was unable to provide any evidence to support their position on the subject's size. Therefore, the Board finds the subject contains 3,761 square feet of living area.

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 subject property and reviewed the property's history; and used similar properties in the sales comparison approach while providing adjustments that were necessary. Furthermore, the settlement statement for the purchase substantiates the sale price of the subject and arm's length nature of the sale. 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 \$550,000 for the 2009 assessment year. Since the market value of this parcel has been established, the Illinois Department of Revenues 2009 three-year median level of assessment of 8.90% for Class 2 will apply. In applying this level of assessment to the subject, the total assessed value is \$48,950 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.

*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: October 19, 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.