



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

APPELLANT: Brenda Graham
DOCKET NO.: 09-27177.001-R-1
PARCEL NO.: 15-02-200-057-0000

The parties of record before the Property Tax Appeal Board are Brenda Graham, 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: \$ 1,233
IMPR.: \$ 20,357
TOTAL: \$ 21,590

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 2,466 square foot parcel of land improved with a five-year old, masonry, single-family attached dwelling containing 1,873 square feet of living area, two baths, and air conditioning.

The appellant raised two arguments: that the improvement's size and age proffered by the county are inaccurate; and that the market value of the subject property is not accurately reflected in the property's assessed valuation as the bases of this appeal.

As to the subject improvement's size and age, the appellant submitted a residential appraisal report reflecting 1,873 square feet of living area and a five year age determined via the appraiser's inspection. Moreover, the appraisal report included interior and exterior photographs of the subject's improvement as well as a diagram of the subject's floor plans. In contrast, the board of review submitted a copy of a property characteristic printout reflecting 1,852 square feet of living area and age of one year.

In support of the market value argument, the appellant submitted an appraisal undertaken by Mary Gilmore of Heartland Appraisals. The report indicates Gilmore is a State of Illinois certified general appraiser. The appraiser indicated the subject has an estimated market value of \$240,000 as of January 27, 2010. The appraisal report utilized one traditional 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 1,873 square feet of building area. The appraisal includes a drawing of the subject with the dimensions included.

Under the sales comparison approach, the appraiser analyzed six comparables of attached single-family, masonry dwellings. The properties range: in age from 3 to 15 years and in size from 1,671 to 2,200 square feet of living area. The comparables sold from May 8, 2009 to November 6, 2009 for prices ranging from \$132,200 to \$335,070 or from \$60.50 to \$156.05 per square foot of living area. Two of the comparables were active listings that are on the open market for \$295,000 and \$299,900. 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 \$240,000.

Therefore, the appraisal arrived at a final estimate of value for the subject as of January 27, 2010 of \$240,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's improvement assessment of \$39,668 or \$20.75 per square foot of living area was disclosed. In support of the subject's assessment, the board of review presented descriptions and assessment information on four properties suggested as comparable and located on the subject's same block. The properties are described as three-story, frame, single-family dwellings that have two and one half-baths, air conditioning, and two-car garages. The properties are one-year old and contain 1,852 square feet of living area and in improvement assessments from \$10.99 to \$16.13 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant submitted a copy of the board of review's 2010 decision for the subject showing a reduced assessment of \$21,590. The appellant requests that this value be applied to the 2009 assessment.

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, 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.

As to the subject's size, the Board finds that the appellant submitted sufficient evidence to establish the subject's size at 1,873 square feet of building area. The appraisal indicates the subject was personally inspected and measured by the appraiser. 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 1,873 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 sufficient detail regarding each sale as well as adjustments that were necessary.

Moreover, the Board finds the appellant also included evidence of the 2010 assessment for the subject property. This year is within the 2008 triennial assessment cycle that is the subject of this appeal. The Board finds that "a substantial reduction in the subsequent year's assessment is indicative of the validity of the prior year's assessment". Hoyne Savings & Loan Assoc. v. Hare, 60 Ill.2d 84, 90, 322 N.E.2d 833, 836 (1974); 400 Condominium Assoc. v. Tully, 79 Ill.App.3d 686, 690, 398 N.E.2d 951, 954 (1st Dist. 1979). Therefore, the Board finds that based upon the county's 2010 assessment reduction, it is appropriate to reduce the appellant's 2009 assessment to \$21,590. Thereby, the Board finds that a reduction in the subject's assessment 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

J. R.

Member

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.