



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

APPELLANT: Stan Latek  
DOCKET NO.: 09-27685.001-R-1  
PARCEL NO.: 27-07-403-007-0000

The parties of record before the Property Tax Appeal Board are Stan Latek, 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:** \$ 8,493  
**IMPR.:** \$ 41,080  
**TOTAL:** \$ 49,573

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a parcel of land improved with an 18 year old, two-story, masonry, single-family dwelling. The property contains air conditioning, two fireplaces, and a full, finished basement. The appellant argued that the fair market value of the subject was not accurately reflected in its assessed value.

The appellant raised three arguments: that the improvement's size proffered by the county is inaccurate; that the bath count proffered by the county is 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, the appellant submitted a residential appraisal report reflecting 4,106 square feet of living area determined via the appraiser's inspection. Moreover, the appraisal report included 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 4,134 square feet of living area.

As to the number of baths contained in the subject property argument, the appellant submitted a residential appraisal report reflecting a total bath count of four and one half-baths for the subject property. In contrast, the board of review submitted a copy of the property characteristic printout reflecting a total bath count of four and three half-baths.

In support of the market value argument, the appellant submitted an appraisal undertaken by James E. Sloan of Accurate Services, Inc. The report indicates Sloan is a certified general appraiser. The appraiser indicated the subject has an estimated market value of \$557,000 as of April 15, 2010. 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 current use.

In describing the subject property, the appraisal lists the subject as containing 4,106 square feet of living area. The appraisal indicates the subject was inspected on April 15, 2010 and that land and building measurements were taken.

Under the sales comparison approach, the appraiser analyzed the sales of five two-story, frame and masonry, residential dwellings located within the subject's market. The properties contain between 3,853 and 5,228 square feet of building area. The comparables sold from February 23, 2009 to December 28, 2009 for prices ranging from \$480,000 to \$725,000 or from \$116.22 to \$138.68 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 \$135.66 per square foot of building area, including land or \$557,000, rounded

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's improvement assessment of \$62,772 or \$13.13 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 in the subject's neighborhood. The properties are described as two-story, frame and masonry, single-family dwellings with between two and one half-baths to five and one half-baths, air conditioning, and one to two fireplaces. The properties are between 9 and 20 years old and range in size from 3,917 to 4,900 square feet of living area and in improvement assessments from \$16.73 to \$17.56 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant argued that the subject property was considered to be an affordable home when they purchased it in 2000. Since then, new homes have been developed in their immediate area with values in the \$2,000,000 price range. The appellants further testified that if their assessment is not lowered, that they will have to sell their home.

After hearing the testimony 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 (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 PTAB concludes that the evidence indicates a reduction is warranted.

As to the subject's size and bath count, the Board finds that the appellant submitted sufficient evidence to establish the subject's size at 4,106 square feet of living area and that the subject property contains four and one half-baths. The appraisal indicates the subject was personally inspected and measured by including the diagram of the building. Therefore, the Board finds the subject contains 4,106 square feet of living area and four and one half-baths.

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. The Board gives little weight to the board of review's comparables as the information provided was unadjusted raw sales data.

Furthermore, the appellant submitted a copy of the Cook County Assessor's 2008 tri-annual decision which supports the market value estimate within by the appellant's appraisal.

Therefore, the Board finds the subject had a market value of \$557,000 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 \$49,573 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: May 18, 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.