



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

APPELLANT: Waldemar Znalezniak
DOCKET NO.: 09-28371.001-R-1
PARCEL NO.: 19-20-214-023-0000

The parties of record before the Property Tax Appeal Board are Waldemar Znalezniak, the appellant(s); 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: \$ 3,437
IMPR.: \$14,363
TOTAL: \$17,800

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 3,674 square feet of land that is improved with a 97 year old, two and one-half-story, frame building containing 3,674 square feet of living area and four dwelling units. The subject contains five baths, and a slab. The appellant's pleadings stated that there is also a two-story coach house on the subject property. 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 Steve Orlowski. The report states that Orlowski is a State of Illinois certified residential real estate appraiser. The appraiser stated that the subject has an estimated market value of \$200,000 as of March 16, 2010. The appraisal report utilized the cost approach to value and the sales comparison approach to value to estimate the market value for the subject property. The appraisal states that Orlowski personally inspected the property, and that the subject's highest and best use as improved is its present use.

Under the cost approach to value, the appraiser used the extraction method to estimate the subject's land value at \$20,000. The improvement's replacement cost new was estimated to be \$259,180 using www.building-cost.net. The appraiser deducted

\$75,000 from the replacement cost new to account for depreciation of the improvement. The appraiser then estimated that there were \$2,000 worth of "as-is" site improvements on the subject. The appraiser then added the estimated land value, the depreciated improvement value, and the value of the other site improvements to arrive at a value under the cost approach to value of \$206,180 (after correcting the appraisers minor arithmetic error in adding up the totals).

Under the sales comparison approach, the appraiser analyzed the sales of three comparables, described as two-story or three-story, masonry or frame and masonry buildings, which range in age from 6 to 83 years old, and in improvement size from 2,585 to 3,706 square feet of living area. These comparables have from three to four dwelling units, and from four to six baths. One of the buildings has a full unfinished basement, one has a full finished basement with an apartment, and one has a slab. Two of the properties have a two-car garage, and one has air conditioning. These sales comparables sold from June 2009 to March 2010 for prices ranging from \$115,000 to \$300,000, or from \$44.49 to \$80.95 per square foot of living area. 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 \$200,000.

In reconciling the cost and sales comparison approaches to value, the appraisal gave more weight to the sales comparison approach to value, and arrived at a final estimate of value for the subject as of March 16, 2010 of \$200,000. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$47,147 was disclosed. The subject's final assessment reflects a fair market value of \$529,742 when the 2009 Illinois Department of Revenue three-year median level of assessment for Class 2 properties of 8.90% is applied. In support of the subject's assessment, the board of review presented descriptions and assessment information on four suggested comparables for the main improvement on the subject property, and three suggested comparables for the coach house on the subject property. These seven properties consist of one or two story, masonry, frame, or frame and masonry dwellings that range in age from 54 to 97 years old, and in size from 1,401 to 2,128 square feet of living area. These comparables all have two baths. Five of the comparables have a full unfinished basement, while one has a crawl, and one has a slab. Two of the properties have air conditioning, three have a one-car garage, and two have a two-car garage. These comparables have improvement assessments ranging from \$9.67 to \$13.79 per square foot of living area.

Additionally, the board of review's grid sheet states that Comparable #3 for the main improvement upon the subject property

sold in July 2008 for \$162,000, or \$106.58 per square foot of living area; and also that Comparable #2 for the coach house on the subject property sold in December 2007 for \$330,000, or \$164.18 per square foot of living area.

The board of review also submitted a list of sales of properties located within the subject's neighborhood. This list included the PIN, deed number, the date of the sale, and the sale price for twelve properties. No further information was provided regarding these properties.

Additionally, the board of review's evidence regarding the subject differs from the appellant's evidence. The picture of the subject submitted by the board of review is different than the picture submitted by the appellant and also the picture that is part of the appraisal. Additionally, the address of the subject is the same on the appellant's pleadings and the appellant's appraisal, but is different on the board of review's pleadings. Finally, the board of review used correction tape to erase much of the relevant information on its pleadings regarding the subject, and then wrote in new information. Based on this evidence, the board requested confirmation of the subject's 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, 331 Ill.App.3d 1038 (3d Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2d 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.

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 cost approach to value and the sales comparison approach to value in determining the subject's market value. The Board finds this appraisal to be persuasive because 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. Additionally, the board of review did not appear to provide the correct information for the subject property.

Therefore, the Board finds the subject had a market value of \$200,000 for the 2009 assessment year. Since the market value of this parcel has been established, the 2009 Illinois Department of Revenue three-year median level of assessment for Class 2 property of 8.90% will apply. In applying this level of assessment to the subject, the total assessed value is \$17,800 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

Marko M. Louie

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: June 22, 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.