



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

APPELLANT: Edward Keller
DOCKET NO.: 09-28610.001-R-1
PARCEL NO.: 05-20-109-017-0000

The parties of record before the Property Tax Appeal Board are Edward Keller, 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: \$21,240
IMPR.: \$56,635
TOTAL: \$77,875

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 14,160 square foot parcel of land improved with an 86 year old, two-story, frame, single-family dwelling. Amenities include a full, finished basement, central air conditioning, two and one-half baths, three bedrooms, one fireplace and a detached two- car garage. According to the appraisal, the subject property is occupied by a tenant.

The appellant argued that the subject's market value is not accurately reflected in its assessment as the basis of this appeal.

In addition, the appellant's grid sheet listed the subject's square footage of living area as both 2,688 and 2,663. The assessor's printout was attached which lists the subject's square footage as 2,663. Additionally, the appraiser noted the subject's net living area as 2,228 square feet.

In support of the market value argument, the appellant submitted an appraisal undertaken by Brian Masterson. The report indicates Masterson holds the designation of a State of Illinois certified

residential real estate appraiser. The appraiser inspected the interior and exterior of the subject and indicated the subject has an estimated market value of \$875,000 as of April 28, 2009. The appraisal report utilized two of the three traditional approaches to value to estimate the market value for the subject property. The income approach was not included in the analysis, however, the appraiser noted that the subject is currently rented for \$3,250 per month gross. He included three rental comparables whose leases began in October 2008 through May 2009 for gross lease amounts ranging from \$3,000 to \$3,500 per month. The appraiser noted this may not be reliable data and therefore did not include it in his final analysis.

Under the cost approach to value, the appraiser used the extraction method and similar sales of vacant land to arrive at a value estimate for the land at \$650,000. Using the replacement cost new method, he then valued the improvements at \$241,280 and deducted depreciation using the age/life method at \$32,163 to arrive at a cost of \$209,117. With site improvements and the value of the land added, the appraiser estimated the value of the subject under this approach at \$879,117.

Under the sales comparison approach, the appraiser analyzed the sales of three properties, plus an additional listing that was not included in the final reconciliation, within the subject's market. The comparables are two-story, frame, residential single-family dwellings located less than one mile from the subject property. The suggested comparable properties contain from 1,872 to 2,388 square feet of living area and sold from July 2008 to January 2009 for \$845,000 to \$905,000 or \$378.98 to \$459.40 per square foot of living area, including land. The appraiser noted that the subject property had previously sold in December 2007 for \$975,000. 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 \$875,000.

In reconciling the two approaches to value, the appraisal gave primary consideration to the sales comparison approach to value with secondary consideration given to the cost approach to arrive at a final estimate of value for the subject as of April 28, 2009 of \$875,000.

The appellant also submitted descriptive and assessment data, sales data and colored photographs on eight suggested comparables. They are located within five blocks of the subject property. The properties are improved with a two-story, frame, stucco or frame and masonry, single-family dwelling. They range: in age from 80 to 115 years; in size from 2,284 to 3,745 square feet of living area; and in improvement assessment from \$21.12 to \$38.27 per square foot. These properties sold from March 2007 to July 2008 for prices that range from \$736,000 to \$1,350,000 or from \$278.16 to \$536.34 per square foot of living area, including land. The appellant also attached the PTAX-203 Illinois Real

Estate Transfer Declaration for each of the sales comparables. 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 \$97,500. This assessment reflects a total market value of \$1,095,506 based upon the application of the Illinois Department of Revenue's three-year median level of assessment for tax year 2009 of 8.90% for class 2 property.

The board of review submitted descriptive and assessment data as well as photographs relating to four suggested comparables. They are all located in the same neighborhood as the subject, with three of the suggested comparables being located within one-quarter mile of the subject. The properties are improved with a two-story, frame or frame and masonry, single-family dwelling with four or five bedrooms. They range: in age from 80 to 108 years; in size from 2,679 to 3,074 square feet of living area; and in improvement assessment from \$25.26 to \$34.90 per square foot. The properties include a partial or full, finished or unfinished basement, central air conditioning and one fireplace for three of the comparables, two and one-half to three and one-half baths, and two or three-car garage area. The board of review also included a property characteristic printout indicating that the subject contained 2,688 square feet of living area. As a result of its analysis, the board requested confirmation of the subject's assessment.

In written rebuttal, the appellant reiterated his original argument and objected to the board of review's equity submission in response to his overvaluation argument. Additionally, the appellant asserted that the board of review's sales list evidencing neighborhood sales dating back to 1990 was irrelevant.

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.

The first issue before the Board is the subject's square footage. The Board finds that the appellant submitted contradictory evidence with the petition, assessor property characteristic printout and appraisal. As the appellant did submit an updated assessor property characteristic printout upon which he based his sales analysis, the Board finds that the subject contains 2,663 square feet of living area. This reflects an improvement assessment of \$28.64 per square foot of living area and a market value of \$411.38 per square foot, including land.

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 met this burden and that 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 and sales comparison approaches to value in determining the subject's market value. The Board gives little weight to the eight sales comparables submitted by the appellant as the subject property's appraisal date was in close proximity to the lien date.

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.

Therefore, the Board finds that the subject property had a market value of \$875,000 for the 2009 assessment year. Since the market value of the subject has been established, the Illinois Department of Revenue's 2009 three year median level of assessment of 8.9% for Cook County Class 2 property will apply. In applying this level of assessment to the subject, the total assessed value is \$77,875 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.

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: 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.