



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

APPELLANT: Harold Shulman
DOCKET NO.: 09-29479.001-R-1
PARCEL NO.: 04-01-414-011-0000

The parties of record before the Property Tax Appeal Board are Harold Shulman, the appellant, by attorney Mitchell L. Klein of Schiller Klein PC in Chicago; 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: \$11,416
IMPR.: \$53,999
TOTAL: \$65,415**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property has a parcel of 10,827 square feet of land area that is improved with a two-story dwelling of frame construction. The dwelling is approximately 56 years old and has approximately 2,491 square feet of living area with a concrete slab foundation, central air conditioning, a fireplace, and a two-car attached garage.¹ The subject property is classified as a class 2-78 residential property under the Cook County Real Property Assessment Classification Ordinance and is located in Glencoe, New Trier Township, Cook County.²

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the overvaluation argument, the appellant submitted an appraisal report in which a market value of \$735,000 or \$295.06 per square foot of living area, land included, was

¹ Parties differed on lot size. Given the record, appraiser's data is accepted as having better support in the record.

² Class 2-78 is a two or more story residence, up to 62 years of age, 2,001 to 3,800 square feet.

estimated for the subject property as of January 1, 2009. The appraiser developed the sales comparison approach in order to estimate the market value of the subject property.

Under the sales comparison approach, the appraiser considered three comparable properties that sold in July and August 2008 for prices that ranged from \$703,000 to \$856,500 or from \$313.85 to \$397.73 per square foot of living area, land included.³ The three comparable sale properties are located from 0.09 to 0.34 of a mile from the subject property. The comparables are improved with either two-story or split-level dwellings of masonry or frame and masonry construction. The dwellings are from 51 to 58 years old and contain from 1,936 to 2,729 square feet of living area. Each comparable has a finished basement or lower level, either full or partial, central air conditioning, one or two fireplaces, and a two-car garage.

The appraiser analyzed the three comparable properties in order to make adjustments to their sale prices for differences from the subject property. After identifying differences between the comparable properties and the subject, the appraiser made adjustments to the sale prices. The largest adjustments were for differences in living area, basements and basement finish, and condition. As a result, the adjusted sale prices of the comparable properties ranged from \$720,080 to \$749,950 or from \$263.86 to \$387.37 per square foot of living area, land included. On the basis of these three comparable sales, the appraiser concluded that the subject property had an estimated market value of \$735,000 as of January 1, 2009.

The appellant's attorney requested that the subject's assessment be calculated by applying the 9.06% median level of assessments for Class 2 residential property in Cook County to the estimate of market value contained in the appraisal report.⁴ Based on this record, counsel requested the subject's total assessment be reduced to \$66,591.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$79,502 was disclosed. The subject's assessment reflects a market value of \$893,281 or \$358.60 per square foot of living area, land

³ The appraiser listed the dimensions of each comparable's parcel but did not list the totals in square feet.

⁴ The appellant is relying on a preliminary three year median level of assessment on class 2 property in Cook County for 2009. The final three-year median level of assessment on class 2 property in Cook County for 2009 was 8.90%.

included, using the 2009 three year median level of assessments for Class 2 property in Cook County of 8.90% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code §1910.50(c)(2)).

The board of review presented descriptions and assessment information on four equity comparables. The board of review also provided a list of twenty properties that sold from August 1990 to August 2008 for prices that ranged from \$310,000 to \$1,052,500; however, descriptive data for these sale properties was not provided. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's attorney noted that the board of review had failed to address substantively the appellant's market value argument.

After reviewing the record and considering the evidence, the Board finds it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. 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). Proof of market value may consist of an appraisal of the subject property, a recent sale of the subject property or comparable sales. (86 Ill.Admin.Code §1910.65(c)). After an analysis of the evidence in the record, the Board finds a reduction in the subject's assessment is warranted.

In this appeal, the Board finds that the board of review presented no substantive or descriptive market value evidence. The Board gives no weight to the equity evidence submitted by the board of review as it is not responsive to the appellant's appeal. The board of review did provide a list of twenty sale properties, but no descriptive data was given for these properties.

The Board finds the appellant's appraisal report is the best evidence of the subject's market value as of the January 1, 2009 assessment date. The appraiser estimated a market value of \$735,000 or \$295.06 per square foot of living area, land included, for the subject property as of January 1, 2009. The

subject's assessment reflects a market value of \$893,281 or \$358.60 per square foot of living area, land included, using the 2009 three year median level of assessments for Class 2 property in Cook County of 8.90% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code §1910.50(c)(2)). The subject's market value as reflected by its assessment is in excess of the market value estimate contained in the appraisal report.

Based on this record the Board finds the subject property had a market value of \$735,000 as of January 1, 2009. Since market value has been determined, the 2009 three year average median level of assessments for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 8.90% shall apply. (86 Ill.Admin.Code §1910.50(c)(2)).

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.



Chairman



Member



Member



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: February 21, 2014



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.