



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

APPELLANT: James Mangan
DOCKET NO.: 09-29514.001-R-1
PARCEL NO.: 05-17-113-011-0000

The parties of record before the Property Tax Appeal Board are James Mangan, 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: \$14,600
IMPR.: \$83,300
TOTAL: \$97,900**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property has a parcel of 8,000 square feet of land area that is improved with a two-story dwelling of frame construction. The dwelling is approximately 96 years old and has 3,024 square feet of living area with a full finished basement, central air conditioning, two fireplaces, and a two-car garage.¹ The subject property is classified as a class 2-06 residential property under the Cook County Real Property

¹ The board of review claims the subject dwelling has 3,102 square feet of living area with stucco exterior construction, a partial unfinished basement, a fireplace, and a one-car garage. According to the board of review, the subject dwelling does not have central air conditioning. The board of review provided the subject's property characteristic sheets to support these claims. According to the appellant's appraiser, the subject dwelling was built in 1913 and has 3,024 square feet of living area with a full finished basement, central air conditioning, two fireplaces, and a two-car garage. The appraiser provided a detailed drawing of the subject dwelling to support the size claim and stated that the subject's interior had been inspected as part of the appraisal. The Board accepts the appraiser's claims as to the living area, exterior construction, and features of the subject dwelling, which are further supported by photographic evidence.

Assessment Classification Ordinance and is located in Winnetka, 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 \$1,100,000 or \$363.76 per square foot of living area, land included, was 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 four comparable properties that sold from January to September 2008 for prices that ranged from \$900,000 to \$1,455,000 or from \$335.32 to \$520.39 per square foot of living area, land included. The four comparable sale properties have lot sizes that range from 5,700 to 10,921 square feet of land area, and they are located from 0.10 to 0.46 of a mile from the subject property. The comparables are improved with two-story dwellings that have frame or masonry exterior construction. The dwellings are from 70 to 88 years old and contain from 2,442 to 3,226 square feet of living area. Each comparable has a full finished basement, one or two fireplaces, and a two-car garage. Three of the comparables have central air conditioning.

The appraiser analyzed the four comparable sale properties in order to determine what adjustments needed to be made to their sale prices for differences from the subject property. The largest adjustments were for differences in sale date, living area, and lot size. As a result, the adjusted sale prices of the comparable properties ranged from \$938,100 to \$1,290,920 or from \$338.97 to \$461.70 per square foot of living area, land included. On the basis of these four comparable sales, the appraiser concluded that the subject property had a market value of \$1,100,000 as of January 1, 2009.

The appellant's attorney requested that subject's assessment should 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.³

² Class 2-06 is a two or more story residence, over 62 years of age, 2,201 to 4,999 square feet.

³ 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%.

Based on this record, counsel requested the subject's total assessment be reduced to \$99,660.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$136,376 was disclosed. The subject's assessment reflects a market value of \$1,532,315 or \$506.72 per square foot of living area, land included,⁴ 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. As equity evidence is not responsive to the appellant's overvaluation argument, the data will not be further analyzed. The board of review also provided a list of twenty properties that sold from September 1990 to August 2006 for prices that ranged from \$183,500 to \$1,559,000; however, there was no descriptive data for these properties. 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.

⁴ This calculation was based on the subject having 3,024 square feet of living area.

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 there was no descriptive data 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 \$1,100,000 or \$363.76 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 \$1,532,315 or \$506.72 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 \$1,100,000 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Tracy 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: February 21, 2014

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.