



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

APPELLANT: James Epstein
DOCKET NO.: 09-31400.001-R-1
PARCEL NO.: 05-27-419-012-0000

The parties of record before the Property Tax Appeal Board are James Epstein, the appellant, by attorney James E. Doherty, of Thomas M. Tully & Associates 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: \$ 28,650
IMPR.: \$ 123,991
TOTAL: \$ 152,641**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story, owner-occupied dwelling of masonry construction. The dwelling is five years old and contains 5,811 square feet of living area. Features of the home include a full unfinished basement, central air conditioning, three fireplaces, and a two-car attached garage. The subject is classified as a class 2-09 residential property under the Cook County Real Property Assessment Classification Ordinance and is located in Wilmette, New Trier Township, Cook County.

The appellant's appeal is based on unequal treatment in the assessment process and on a contention of law.¹ The appellant submitted information on four suggested comparable properties described as two-story dwellings of frame, stucco, or frame and masonry construction. The comparable properties have the same assigned classification and neighborhood codes as the subject. The comparable dwellings are from 85 to 99 years old and contain from 5,154 to 6,507 square feet of living area. Each comparable has a full unfinished basement, two or three fireplaces, and a garage. Three dwellings have central air conditioning. The comparables have improvement assessments ranging from \$117,335 to

¹ While a brief was presented, counsel's arguments pertain to the assessment and/or market value of the subject as compared to the comparables presented.

\$187,539 or from \$22.26 to \$30.90 per square foot of living area. The subject's improvement assessment is \$191,055 or \$32.88 per square foot of living area. Based on this evidence, the appellant requested that the subject's improvement assessment be reduced to \$168,924 or \$29.07 per square foot of living area.

The appellant made reference that the property was the subject matter of an appeal before the Property Tax Appeal Board for the prior tax year under Docket No. 08-23336.001-R-1. In that appeal, the Property Tax Appeal Board reduced the subject's assessment to \$152,641.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$219,705 was disclosed. The subject's assessment reflects a market value of \$2,468,596 or \$424.81 per square foot of living area, including land, 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. The board of review presented descriptions and assessment information on four suggested comparable properties consisting of two-story dwellings of masonry construction. The comparable properties have the same assigned neighborhood and classification codes as the subject. The dwellings are from one to ninety-seven years old and contain from 5,038 to 6,101 square feet of living area. Two dwellings have full unfinished basements, and two have finished basements, either full or partial. Each comparable has from one to four fireplaces; three have garages; and two have central air conditioning. These properties have improvement assessments ranging from \$154,437 to \$216,507 or from \$30.65 to \$35.49 per square foot of living area. The record also disclosed that the board of review's comparable #1 sold in May 2006 for a price of \$1,670,000 or \$273.73 per square foot of living area, land included. Based on this evidence, the board of review 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. The Board further finds a reduction in the subject's assessment is warranted.

Furthermore, section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or

unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

The Board finds the record disclosed the subject property is an owner-occupied dwelling located in New Trier Township. The Board takes notice that the subject property was the subject matter of appeals in the 2007 and 2008 tax years under Docket Nos. 07-22204.001-R-1 and 08-23336.001-R-1. In each of these appeals, the Property Tax Appeal Board reduced the assessment of the subject to \$152,641. The Board takes further notice that 2007, 2008, and 2009 are within the same general assessment period for New Trier Township. (86 Ill.Admin code §1910.90(i)).

Based on this record, the Board finds that the assessments as established in the prior years' decisions should be carried forward to the 2009 tax year pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185). The record contains no evidence indicating the subject property sold in an arm's length transaction subsequent to the Board's decisions or that the assessment years in question are in a different assessment period. For these reasons the Property Tax Appeal Board finds that a reduction in the subject's assessment is warranted to reflect the Board's prior years' finding.

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: 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.