



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

APPELLANT: Pieter Lesterhuis  
DOCKET NO.: 09-32165.001-R-1  
PARCEL NO.: 05-20-220-011-0000

The parties of record before the Property Tax Appeal Board are Pieter Lesterhuis, 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:** \$14,025  
**IMPR.:** \$83,875  
**TOTAL:** \$97,900

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 9,350 square foot parcel of land improved with an approximately 16-year old, masonry, two-story, single-family dwelling containing 3,673 square feet of living area, a fireplace, air conditioning, and an unfinished basement. The appellant argued that the fair market value of the subject was not accurately reflected in its assessed value as the basis of the appeal.

In support of the market value argument, the appellant submitted a brief arguing that the subject property was overvalued based on the sale of the subject, an appraisal of the subject, and a review of the sale of similar properties. The appellant's petition, Section IV, lists the subject's sale in July 2009 for \$1,100,000. The petition indicates the property was purchased from Nathan and Sharon Stearns, was not a transfer between family or related corporations, was advertised for sale on the open market for 12 weeks by a realtor, and that no mortgage was assumed. The appellant included several exhibits to support his market value argument.

*Exhibit #1* includes a copy of the petition and grid with descriptions and sales information on seven suggested comparables located within five blocks of the subject. These properties are described as two-story, frame, masonry or stucco, single-family dwellings. The properties range in age from 6 to 14 years and in size from 2,942 to 3,517 square feet of living area. The properties sold from January 2007 to October 2009 for prices ranging from \$1,145,000 to \$1,610,000 or \$344.93 to \$525.98 per square foot of living area. *Exhibit #2* includes the assessor's description, the assessment and color photographs of the subject. *Exhibit #3* includes copies of the settlement statement and the real estate contract for the subject which shows the subject sold on July 24, 2009 for \$1,100,000. Line 700 of the settlement statement indicates a broker's commission was paid. *Exhibit #4* includes a copy of the PTAX-203, Illinois Transfer Declaration which lists the subject's sale as a contract between homeowners for a total consideration of \$1,100,000. *Exhibit #5* includes a uniform residential appraisal report estimating the subject's market value based on the sales comparison approach at \$1,100,000 as of July 9, 2009. *Exhibit #6* includes a grid listing the sales comparables from *Exhibit #1* with the properties' sale date, price, price per square foot of living area, 2009 assessment value, and the percentage of the assessed value as compared to the sale price along with their assessor website printouts. *Exhibit #7* includes the grid from *Exhibit #6* along with the PTAX-203, Illinois Real Estate Transfer Declaration showing the comparable properties' sale prices. *Exhibit #8* includes a copy of the Cook County Ordinance classification system for assessment.

The appellant's appraisal was undertaken by Jason Goldberg of JSG Real Estate Services. The report indicates Goldberg is a State of Illinois certified appraiser. The appraiser indicated an estimated market value of \$1,100,000 as of July 8, 2009. The appraisal report utilized sales comparison approaches to value to estimate the market value for the subject property.

In summarizing the subject property, the appraisal describes the subject as a two-story dwelling containing 3,438 square feet of living area. The appraisal indicates the property was personally inspected. The appraisal found the subject's highest and best use to be its present use. The appraisal notes the subject property was on the market for \$1,299,000, and was now under contract for \$1,100,000.

Under the sales comparison approach, the appraiser analyzed the sale or offering of four sales properties and two offerings described as two-story, frame, masonry or stone, single-family dwellings located within the subject's market. The properties contain between 2,814 and 3,732 square feet of living area. Four of these properties sold from April 2009 to July 2009 for prices ranging from \$962,500 to \$1,700,000, or \$319.51 to \$485.71 per square foot of living area, including land. The appraiser adjusted each of the comparables for pertinent factors. Based on the similarities and difference of the comparables when compared to the subject, the appraiser estimated a value as of July 8,

2009 for the subject under the sales comparison approach of \$1,100,000, rounded.

The board of review submitted its "Board of Review Notes on Appeal" wherein the board the subject's total assessment of \$131,099 was disclosed. The subject's total assessment reflects a fair market value of \$1,473,022 when the Illinois Department of Revenue's 2009 three-year median level of assessment of 8.9% for Cook County Class 2 property is applied.

In support of the subject's assessment, the board of review presented descriptions and assessment information on a total of four properties suggested as comparable and located within one-quarter mile of the subject. The properties are described as two-story, masonry, single-family dwellings. The properties range: in age from three to seven years; in size from 3,248 to 3,732 square feet of living area; and in improvement assessment from \$34.98 to \$39.41 per square foot of living area. One property sold in January 1, 2007 for \$143,000. Based on these arguments, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a letter that reiterated the appellant's market value arguments. In addition, the appellant addressed the board of review's evidence and arguments. The appellant included a grid listing sales of four properties, three of which are new comparables. The Official Rules of the Property Tax Appeal Board prohibit the submission of new evidence as rebuttal and, therefore, these comparables cannot be considered by the PTAB. 86 Ill.Admin.Code 1910.66.

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 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2<sup>nd</sup> 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 market value evidence presented, the PTAB concludes that this evidence indicates a reduction is warranted.

The PTAB finds the best evidence of market value is the sale of the subject in July 2009 for \$1,100,000. The appraisal supports this sale price. In addition, the settlement statement shows broker fees which support the arm's length nature of the sale. Moreover, the petition shows that the subject was advertised for sale for 12 weeks. The subject's assessment reflects a market value greater than the purchase price.

Based on this record the Property Tax Appeal Board finds that the subject property had a market value of \$1,100,000 for the 2009 assessment year. Since market value has been determined, the 2009 three year median level of assessment for class 2 property as established by the Illinois Department of Revenue of 8.90% shall apply and 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: September 21, 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.