



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

APPELLANT: Linda Bassler
DOCKET NO.: 09-34561.001-R-1
PARCEL NO.: 04-23-200-030-0000

The parties of record before the Property Tax Appeal Board are Linda Bassler, the appellant; and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$19,012
IMPR.: \$63,323
TOTAL: \$82,335

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 44,736 square foot parcel of land improved with a 56-year old, 2,664 square foot, one-story, frame and masonry, single-family dwelling. Amenities include two and one half-baths, four bedrooms, central air conditioning, one fireplace and an attached two-car garage.

The appellant raised two arguments: first, that there is unequal treatment in the assessment process; and second, that the subject's market value is not accurately reflected in its assessment as the bases of this appeal.

In support of the equity argument, the appellant submitted descriptive and assessment data, as well as color photographs, for four suggested comparables located within a one mile radius of the subject. The properties are improved with a one or one and one-half story, masonry or frame and masonry, single-family dwelling. They range: in age from 50 to 58 years; in size from 2,658 to 4,200 square feet of living area; and in improvement assessment from \$22.62 to \$23.77 per square foot. The subject's improvement assessment is \$23.77 per square foot. Features of

the suggested comparables include two or two and one-half baths, a full or partial, unfinished basement for three properties, central air conditioning, one or two fireplaces and an attached two-car garage.

As to the overvaluation argument, the appellant submitted a narrative brief clarifying the property characteristics of the subject and explaining that the subject property had been listed for sale for over two years with a listing price of \$695,000 as of October 2010. She also submitted an offer to purchase the subject property for \$605,000 on a Multi-Board Residential Real Estate Contract 5.0 form that was unexecuted by the appellant. The appellant also indicated in her petition that a contract was still being negotiated as of October 13, 2010, that the property was listed with a real estate broker, and that it had been listed on the open market for a two year period.

As additional support for the market value argument, the appellant included a letter from Carol Hunt, a broker associate with Baird and Warner, explaining that: she was the appellant's listing agent; that as of July 23, 1010 the subject property had been on the market for 275 days; the current asking price was \$695,000; and the value of the subject property was approximately \$615,000 based on comparable sales. Ms. Hunt also enclosed two sales suggested as comparable to the subject property. The suggested comparable properties sold in October 2009 and January 2010 for \$690,000 and \$540,000, respectively. The printouts from the Multiple Listing Service were included as evidence of these sales.

After the initial filing deadline, in furtherance of the appellant's market value claim, she submitted pages one, two and twelve of a signed sales contract dated October 13, 2010 indicating that she had accepted an offer to sell the subject property for \$675,000. This was subject to contingencies, therefore making it speculative. Based on this evidence, 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 \$82,335. This assessment reflects a total market value of \$925,112 or \$347.26 per square foot 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 within the subject's neighborhood. The properties are improved with a one-story, frame and masonry, single-family dwelling with three or four bedrooms and central air conditioning. They range: in age from 46 to 55 years; in size from 2,020 to 2,430 square feet of living area; and in improvement assessment from \$28.54 to \$39.48 per square foot of living area. The properties also include a partial, finished or unfinished basement for three properties, two full to two and two

half-baths, one or two fireplaces, and a one and one-half or two-car garage. As a result of its analysis, the board requested confirmation of the subject's assessment.

In written rebuttal, the appellant submitted page one of four of a settlement statement indicating the subject property closed on December 8, 2010 for \$675,000. The appellant also clarified that the subject property is not in deluxe condition and it contains four bedrooms, not five, as listed on the board of review's grid sheet.

After reviewing the record as well as considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

The appellant contends unequal treatment in the subject's improvement assessment as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the Board finds the appellant has not met this burden.

The parties submitted a total of eight suggested comparable properties for the Board's consideration. The Board finds that comparables #2 and #3 submitted by the appellant and comparables #1 and #2 submitted by the board of review are most similar to the subject in design, exterior construction, improvement size, and/or amenities. They are one-story, frame and masonry, single-family dwellings that contain between 2,364 and 2,758 square feet of living area. In analysis, the Board accorded the most weight to these comparables. These comparables ranged in improvement assessment from \$22.62 to \$34.84 per square foot of living area. The subject's improvement assessment at \$23.77 per square foot is within the range established by these comparables. Therefore, the Board finds no reduction is warranted as to this issue raised by the appellant.

As to the appellant's second issue, 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 not met this burden and that a reduction is not warranted.

When the appellant's appeal was filed, the subject property had not yet been sold. The appellant originally submitted an

unexecuted offer she received for the subject property. After the initial filing deadline, the Board received a partial contract indicating that the appellant had accepted an offer to sell the subject property for \$675,000. This contract still had contingencies that had not been waived, making this signed contract speculative.

Furthermore, the Board gives little weight to the appellant's broker analysis. This evidence was lacking in that only two sale comparables were submitted by the appellant. Although these parcels may be similar in some characteristics to the subject property, the Board finds that two suggested comparables are not a persuasive indicator that the subject is overvalued. The appellant has not provided the Board with a sufficient range of data to warrant a reduction. Furthermore, the broker failed to provide any credentials showing she is qualified to appraise property, failed to conform to Uniform Standards for Professional Appraisal Practice, and failed to include any information as to how she arrived at a market value for the subject property, which would include any adjustments made in the comparables to arrive at a value for the subject.

Finally, the Board finds the appellant's rebuttal evidence lacking in that the appellant only submitted one of four pages of her settlement statement. This page indicated that the closing of the subject property occurred on December 8, 2010, which is almost two years after the valuation date of January 1, 2009. Accordingly, the Board finds this sale too distant in time to accurately reflect the subject's market value as of the January 1, 2009 valuation date. The Board notes that this sale did not occur during the tax year in question, or even in the same triennial period. While evidence of a future sale should not necessarily be excluded, it should never be considered as conclusive evidence of value at a previous point in time. Rosewell v. 2626 Lakeview Limited Limited Partnership, 120 Ill.App.3d 369, 75 Ill.Dec. 953, 458 N.E. 2d 121 (1983).

Accordingly, in determining the fair market value of the subject property, the Board finds that the appellant failed to submit sufficient evidence to show the subject was overvalued. Therefore, the Board finds that the appellant has not met its burden by a preponderance of the evidence and that the subject does not warrant a reduction based upon the market data submitted into evidence.

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: December 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.