



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

APPELLANT: Jozefa Kwiecinska
DOCKET NO.: 09-35427.001-R-1
PARCEL NO.: 13-28-213-027-0000

The parties of record before the Property Tax Appeal Board are Jozefa Kwiecinska, the appellant; 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: \$ 5,250
IMPR.: \$ 18,750
TOTAL: \$ 24,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 3,750 square foot parcel of land improved with a partially owner-occupied, 48-year old, two-story, masonry, multi-family dwelling. Features include two full baths, four bedrooms, a full basement that contains a recreational room, two additional bedrooms and one full and one half-bath, and a two-car garage. The appellant argued that the fair market value of the subject was not accurately reflected in its assessed value.

The subject contains 2,380 square feet of living area per the appellant's appraisal. The assessor indicated the subject's square footage is 2,112 square feet of living area. As the appraiser personally measured the subject and included a digital floorplan of the property, the Board has concluded that the subject contains 2,380 square feet of living area.

In support of the market value argument, the appellant submitted an appraisal undertaken by Beata Olszewski of William Grba & Associates. The report indicates Olszewski is a State of Illinois certified residential real estate appraiser. The

appraiser indicated the subject has an estimated market value of \$190,000 as of September 5, 2009. The appraisal report utilized two of the three traditional approaches to value to estimate the market value for the subject property, that is, the income and sales comparison approaches to value.

Under the income approach to value, the appraiser analyzed the rents of three properties to estimate potential gross income at \$18,650. Vacancy and collection were estimated at 8% and expenses were estimated at \$2,805 to arrive at a net operating income of \$15,125. The gross monthly rent of \$1,550 was multiplied by a gross rent multiplier of 140 to estimate a value under the income approach of \$217,000, rounded.

Under the sales comparison approach, the appraiser analyzed the sales of three properties, supported with two additional comparables listed for sale, located within a one mile radius of the subject property. The comparables are two-story, masonry, multi-family dwellings with two full baths, four or six bedrooms, a full basement and a two-car garage. The properties contain from 1,680 to 2,310 square feet of living area and sold from May 2009 to July 2009 for prices ranging from \$181,000 to \$205,000, or from \$86.58 to \$107.74 per square foot of living area, including land. The appraiser adjusted each of the comparables for pertinent factors, including a time adjustment of three percent per month for each month between the date of sale and the subject's inspection date. Based on the similarities and differences of the comparables when compared to the subject, the appraiser estimated a value for the subject of \$190,000.

In reconciling the two approaches to value, the appraisal gave primary consideration to the sales comparison approach to value with secondary consideration given to the income approach to arrive at a final estimate of value for the subject as of September 5, 2009 of \$190,000.

As additional support of the market value argument, the appellant also submitted four suggested sales comparables. The sales comparables are all two-story, masonry, multi-family dwellings. The sales comparables range in age from 37 to 54 years and in size from 2,112 to 2,752 square feet of living area. These properties sold from June 2010 to July 2010 for prices that ranged from \$152,000 to \$173,700 or from \$61.77 to \$76.94 per square foot of living area, including land. The appellant submitted this data on a grid sheet but did not provide further evidence verifying the sales data. Based upon this analysis, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$31,947 was disclosed. The subject's final assessment reflects a fair market value of \$358,955 or \$169.96 per square foot of living area using the Illinois Department of Revenue's 2009 three year median level of assessment of 8.90% for Cook County Class 2 property. The board also submitted raw sales information on four properties

suggested as comparable. They are two-story, frame or masonry, multi-family dwellings with two full baths and four bedrooms, all of which are located in the subject's neighborhood. The properties sold from March 2007 to April 2008 for prices ranging from \$380,000 to \$450,000 or from \$159.40 to \$203.50 per square foot of living area, including land. 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.

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, 331Ill.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.Admin.Code 1910.65(c). Having considered the evidence presented, the Board concludes that the evidence indicates a reduction is warranted.

In determining the fair market value of the subject property, the Board finds the best evidence to be the appellant's appraisal. The appellant's appraiser utilized two of the three traditional approaches to value in determining the subject's market value. The Board finds this appraisal to be persuasive for the appraiser: has experience in appraising; personally inspected the subject property and reviewed the property's history; utilized appropriate market data in undertaking the approaches to value; and lastly, used similar properties in the sales comparison approach while providing sufficient detail regarding each sale as well as adjustments that were necessary. The Board gives little weight to the parties' sales comparables as the information provided was raw sales data with no adjustments made.

As the appraiser valued the subject property as of September 5, 2009 and made a negative adjustment for the time of sale, the Board finds that the subject property had a market value slightly greater than that of the appraisal. Taking into account the time of sale and other differences, the subject's current total assessed value is still above this adjusted amount. Therefore, the Board finds that that subject had a market value of \$269,663 as of the assessment date and that a reduction is warranted. Since the market value of the subject has been established, the Illinois Department of Revenue's 2009 three year median level of assessment of 8.90% for Cook County Class 2 property will apply.

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: August 28, 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.