FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Randolph Kemmer
DOCKET NO.: 10-31176.001-R-1
PARCEL NO.: 04-11-218-050-0000

The parties of record before the Property Tax Appeal Board are Randolph Kemmer, the appellant(s); 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:	$ 12,413
IMPR.:	$ 29,334
TOTAL:	$ 41,747

Subject only to the State multiplier as applicable.

ANALYSIS

The subject has 14,625 square feet of land, which is improved with a 56 year old, one-story, frame and masonry, single-family dwelling. The subject's improvement size is 2,030 square feet of living area, and its total assessment is $41,747. This assessment yields a fair market value of $466,969, or $230.03 per square foot of living area (including land), after applying the 2010 Illinois Department of Revenue three year median level of assessment for Class 2 properties of 8.94%. The appellant argued that the fair market value of the subject property was not accurately reflected in its assessed value as the basis of this appeal.

In support of the market value argument, the appellant submitted a residential appraisal report for the subject property with an effective date of January 1, 2010.[1] The appraiser estimated a fair market value for the subject of $315,000 based on the sales comparison approach to value. The appraisal states that the

[1] The Property Tax Appeal Board (the "Board") notes that the appraisal has a property index number ("PIN") of 04-11-218-051-0000, but that the appeal is for PIN 04-11-218-050-0000. The subject's description is the same in the appellant's petition, the appraisal, and the board of review's evidence. In all other cases throughout the evidence, the PIN is stated as ending in -050. Therefore, the Board finds that the appraiser made a scrivener's error in preparing the appraisal, and the Board will treat the appraisal as such.

subject has not sold within the past five years. The appraiser also conducted an inspection of the subject. The appellant's pleadings also state that the subject sold in August 2009 for $485,000, or $238.92 per square foot of living area (including land). Based on this evidence, the appellant requested a reduction in the subject's assessment.

The Cook County Board of Review submitted its "Board of Review-Notes on Appeal," wherein the subject's total assessment of $41,747 was disclosed. In support of the subject's assessment, the board of review submitted descriptive and assessment information for four properties suggested as comparable to the subject. The comparables are described as one-story, frame and masonry, single-family dwellings. Additionally, the comparables range: in age from 56 to 57 years; in size from 1,830 to 2,498 square feet of living area; and in improvement assessments from $15.02 to $16.10 per square foot of living area. The comparables also have several amenities. The board of review's grid sheet also states that the subject sold in July 2009 for $485,000, or $238.92 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 (the "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. Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 339 Ill. App. 3d 529, 545 (1st Dist. 2002); National City Bank of Michigan/Illinois v. Prop. Tax Appeal Bd., 331 Ill. App. 3d 1038, 1042 (3d Dist. 2002) (citing Winnebago Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 313 Ill. App. 3d 179 (2d Dist. 2000)); 86 Ill. Admin. Code § 1910.63(e). 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. Calumet Transfer, LLC v. Prop. Tax Appeal Bd., 401 Ill. App. 3d 652, 655 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(c). "[A] contemporaneous sale between parties dealing at arm's length is not only relevant to the question of fair cash market value, (citations) but would be practically conclusive on the issue of whether an assessment was at full value." People ex rel. Korzen v. Belt Ry. Co. of Chi., 37 Ill. 2d 158, 161 (1967). Having considered the evidence presented, the Board finds that the evidence indicates a reduction is not warranted

In determining the fair market value of the subject property, the Board finds the best evidence to be the sale of the subject in August 2009 for $485,000. The sale is within five months of the 2010 lien date, and is not disputed between the parties, as they both submitted evidence of the sale. Moreover, the Board does not find the appraisal persuasive, as it did not acknowledge the

sale of the subject. In fact, it explicitly stated that the subject had not sold within the previous five years, a fact that is contradicted by both the appellant and the board of review.

Therefore, the Board finds the subject had a market value of $485,000 for the 2010 assessment year. Since the market value of this parcel has been established, the 2010 Illinois Department of Revenue three year median level of assessment for Class 2 property of 8.94% will apply. 86 Ill. Admin. Code § 1910.50(c)(2)(A). In applying this level of assessment to the subject, the total assessed value is $43,359, while the subject's current total assessed value is below this amount. Therefore, the Board finds that the subject is not overvalued and a reduction is not 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.

Chairman

Member

Member

Member

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 20, 2013

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.