



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

APPELLANT: Donald Martin
DOCKET NO.: 10-33762.001-R-1
PARCEL NO.: 14-33-100-019-0000

The parties of record before the Property Tax Appeal Board are Donald Martin, the appellant, by attorney Mitchell L. Klein of Schiller Klein PC 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: \$23,437
IMPR.: \$45,848
TOTAL: \$69,285**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property has a 3,125 square foot site that is improved with a three-story, multi-family dwelling of masonry construction. The dwelling is approximately 122 years old and has approximately 3,603 square feet of living area and a full unfinished basement. The parties differ on the number of apartment units in the subject dwelling.¹ The subject property is classified as a class 2-11 residential property under the Cook County Real Property Assessment Classification Ordinance and is located in Chicago, North Chicago Township, Cook County.²

¹ The board of review produced the subject's property characteristic sheet, which revealed that the subject dwelling has three apartment units. The appellant's appraiser stated that the subject dwelling has five apartment units. (Appraisal, p.31) The appellant's attorney produced the subject's rent roll as supporting documentation for Schedule E of the appellant's income tax return. The rent roll revealed that the subject property had four apartments leased and was listed as 100% occupied as of January 1, 2009.

² Class 2-11 is for apartment buildings with two to six units, any age.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted an appraisal estimating the subject property had a market value of \$775,000 or \$215.10 per square foot of living area, land included, as of January 1, 2009. The appraisal was prepared by William L. Shulman, a State of Illinois certified real estate appraiser. In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value.

Under the sales comparison approach, the appraiser provided information on five comparable sales described as three-story multi-family dwellings of masonry construction. The buildings were constructed from 1878 to 1969 and ranged in size from 3,025 to 8,475 square feet of living area. The comparables have from three to six apartments. The appraiser did not list other features. The comparables have sites that range in size from 2,600 to 4,123 square feet of land area. The comparables sold from September 2007 to June 2010 for prices ranging from \$562,500 to \$1,639,500 or from \$183.20 to \$227.69 per square foot of living area, including land. The appraiser stated that adjustments were made to these sale prices for differences from the subject property; however, these adjustments were not itemized in the appraisal. Based on the sales comparison approach to value, the appraiser estimated the subject property had a market value as of January 1, 2009 of \$215 per square foot of living area, land included, which was rounded to \$775,000.

Based on this evidence, the appellant's attorney requested that subject's assessment should be calculated by applying the 8.90% median level of assessments for Class 2 residential property in Cook County to the estimate of market value contained in the appraisal report.³ Based on this record, counsel requested the subject's total assessment be reduced to \$68,975.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$96,974 was disclosed. The subject's assessment reflects a market value of \$1,084,720 or \$301.06 per square foot of living area, including land, when applying the 2010 three year average median level of assessments for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 8.94% as determined by the Illinois Department of Revenue.

³ The appellant is relying on the three year median level of assessment on class 2 property in Cook County for 2009. The final three-year median level of assessment on class 2 property in Cook County for 2010 was 8.94%.

In support of the subject's assessment, the board of review submitted information on three suggested equity comparables that did not address the subject's market value argument. The board of review also presented a list of twenty properties that sold from April 1992 to October 2011 for prices that ranged from \$228,900 to \$1,850,000. Descriptive data for these sale properties was not provided. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's attorney noted that the board of review had not addressed the appellant's market value argument.

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.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. 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); 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds that the board of review presented no substantive or descriptive market value evidence. The Board gives no weight to the equity evidence submitted by the board of review as it is not responsive to the appellant's appeal. The board of review provided a list of twenty sale properties but no descriptive data for these properties was given. As a result, no weight has been given to this evidence.

The Board finds the appellant's appraisal report is the best evidence of the subject's market value as of the January 1, 2010 assessment date. The appraiser estimated a market value of \$775,000 or \$215.10 per square foot of living area, land included, for the subject property as of January 1, 2009. The subject's assessment reflects a market value of \$1,084,720 or \$301.06 per square foot of living area, land included, using the 2010 three year median level of assessments for Class 2 property in Cook County of 8.94% as determined by the Illinois Department

of Revenue. The subject's market value as reflected by its assessment is in excess of the market value estimate contained in the appraisal report.

Based on this record, the Board finds the subject property had a market value of \$775,000 as of the January 1, 2010 assessment date. Since market value has been determined, the 2010 three year average median level of assessments for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 8.94% shall apply. (86 Ill.Admin.Code §1910.50(c)(2)).

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

Frank A. Huff

Member

Mario Morris

Member

JR

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: March 21, 2014

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.