



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

APPELLANT: Harold Van Kley
DOCKET NO.: 11-21678.001-R-1
PARCEL NO.: 23-12-306-031-0000

The parties of record before the Property Tax Appeal Board are Harold Van Kley, 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: \$ 6,041
IMPR.: \$ 15,995
TOTAL: \$ 22,036

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Cook County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2011 tax year. The Property Tax Appeal Board (the "Board") finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject consists of a two-story dwelling of frame and masonry construction with 2,150 square feet of living area. The dwelling is 40 years old. Features of the home include two and one-half baths, a full unfinished basement, central air conditioning, and a two-car garage. The property has a 10,985 square foot site, and is located in Palos Township, Cook County. The subject is classified as a class 2-78 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal estimating the subject property had a market value of \$227,500 as of the tax year 2009, a previous triennial period for the subject property. The appraisal was prepared by James E. Sloan, a State of Illinois Certified Residential Real Estate Appraiser, who estimated a market value of the subject property of \$227,500 as of tax year 2009. The appraiser developed only the sales comparison approach to value. The property rights appraised were the fee simple interest. The report further indicated the highest and best use of the subject property was the current use as of the inspection date and valuation date. The property was inspected on July 28, 2010. The appraiser described the improvements to be in below average to average condition with evidence of curable physical deterioration throughout the interior and exterior. He noted the subject is in need of cosmetic repairs and updating throughout.

Under the sales comparison approach, the appraiser provided information on five comparable sales described as two-story dwellings of brick and frame construction that ranged in size from 2,082 to 2,561 square feet of living area. The dwellings ranged in age from 27 to 38 years old. Four of the comparables had basements with one having a recreation room. Each comparables had central air conditioning, one comparable had a fireplace and each had a two-car attached garage. The comparables have sites ranging in size from 8,515 to 22,300 square feet of land area. These properties were located from .11 miles to 1.03 miles from the subject property. The comparables sold from February 2009 to August 2010 for prices ranging from \$229,690 to \$280,000 or from \$89.69 to \$124.94 per square foot of living area, including land. Comparable #2 was an FHA sale, while comparable #3 was a cash deal. After making adjustments to the comparables for differences from the subject the appraiser estimated the comparables had adjusted prices ranging from \$216,690 to \$249,500. Based on this data the appraiser estimated the subject had an estimated value under the sales comparison approach of \$227,500.

The board of review submitted its "Board of Review-Notes on Appeal" disclosing the total assessment for the subject of \$23,471. The subject's assessment reflects a market value of \$247,324, or \$115.03 per square foot of living area, including land, when applying the 2011 three year average median level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 9.49% as determined by the Illinois Department of Revenue.

In support of the subject's assessment the board of review submitted information on four comparable sales improved with two-story dwellings of frame, masonry or frame and masonry construction that range in size from 2,335 to 2,829 square feet of living area. The dwellings ranged in age from 10 to 53 years old. All of the comparables have a full or partial unfinished basement. Each comparable has central air conditioning and a two-car garage. The comparables have sites ranging in size from 6,350 to 13,200 square feet of land area. The comparables sold from April 2010 to October 2010 for prices ranging from \$263,500 to \$365,000 or from \$110.81 to \$129.02 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

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. 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 did meet this burden of proof and a reduction in the subject's assessment is warranted.

The Board does not find the value conclusion in the appraisal submitted by the appellant to be persuasive, as the appraisal was completed for the previous triennial period. As the sales themselves occurred in close proximity to the January 1, 2011 valuation date, the Board will examine the sales comparables submitted by the parties.

The subject's market value of \$115.03 per square foot, including land, is not only within the range of the board of review's sales comparables, which ranged from \$110.81 to \$129.02 per square foot including land, but also within the range of the appraiser's suggested comparables. Those comparables had an unadjusted range of \$89.69 to \$124.94 per square foot, including land. However, after making adjustments for similarities and differences between the subject and suggested comparables, with consideration given to the fact that the subject's improvements are in below-average condition, the Board finds that an assessment reduction is warranted based on the sales comparables provided by the parties.

Therefore, as the subject's assessment reflects a market value above the best evidence of market value in the record, the Board finds an assessment reduction is granted.

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 19, 2014



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.