



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

APPELLANT: James Solnes
DOCKET NO.: 08-23558.001-R-1
PARCEL NO.: 09-26-320-034-0000

The parties of record before the Property Tax Appeal Board are James Solnes, the appellant(s), by attorney Patrick J. Cullerton, of Thompson Coburn LLP in Chicago; 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: \$ 10,000
IMPR: \$ 55,668
TOTAL: \$ 65,668

Subject only to the State multiplier as applicable.

ANALYSIS

The subject has 7,562 square feet of land, which is improved with a 39 year old, two-story, frame and masonry, single-family dwelling. The subject's improvement size is 2,341 square feet of living area, and its total assessment is \$65,668. This assessment yields a fair market value of \$684,042, or \$292.20 per square foot of living area (including land), after applying the 2008 Illinois Department of Revenue three year median level of assessment for Class 2 properties of 9.60%. The appellant, via counsel, 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 November 1, 2007. The appraiser estimated a fair market value for the subject of \$425,000 based on the sales comparison approach to value. The appraiser used three comparables in the sales comparison approach. The net adjustments made to these three comparables ranged from 8.6% to 20.4%, with Comparable #1 having a net adjustment exceeding the suggested guideline of 15.0% found in the U.S. Housing and Urban Development Handbook. U.S. Housing and Urban Development Handbook 4150.2, Appendix D, D-31 (the "HUD Handbook"). The

gross adjustments made to the comparables ranged from 20.02% to 31.3%, with Comparables #1 and #2 having gross adjustments exceeding the suggested guideline of 25.0% found in the HUD Handbook. Finally, the gross living area adjustments to the comparables ranged from 11.6% to 18.4%, with all three comparables having a line item adjustment for gross living area exceeding the suggested guideline of 10.0% found in the HUD Handbook. No explanations were offered for the excessive adjustments. The appraiser also conducted an exterior inspection of the subject, but did not inspect the interior. 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 \$65,668 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 two-story, frame and masonry, single-family dwellings. Additionally, the comparables range: in age from 33 to 45 years; in size from 2,223 to 2,483 square feet of living area; and in improvement assessments from \$24.08 to \$25.21 per square foot of living area. The comparables also have several amenities. The board of review's grid sheet also states that Comparable #1 sold in February 2006 for \$580,000, or \$247.55 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant reaffirmed the evidence previously submitted.

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). Having considered the evidence presented, the Board finds that the evidence indicates a reduction is not warranted.

The Board does not find the appraisal submitted by the appellant persuasive. The appraiser did not inspect the subject property's

interior. Moreover, the adjustments made by the appraiser are excessive, and the appraiser did not explain the need for excessive adjustments. All three comparables have adjustments of more than 10% for the comparables' gross living area. Comparables #1 and #2 have a gross adjustment of more than 25%. Comparable #1 has a net adjustment exceeding 15%. All of these adjustments are in excess of the guidelines delineated in the HUD Handbook, and should be supported with an explanation as to why such an excessive adjustment was necessary. The appraiser has not provided such an explanation. Therefore, the Board finds that the subject is not overvalued, and that 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.

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: November 22, 2013

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.