



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

APPELLANT: Sharon Smith
DOCKET NO.: 09-35036.001-R-1
PARCEL NO.: 32-07-302-018-0000

The parties of record before the Property Tax Appeal Board are Sharon Smith, the appellant, by attorney William I. Sandrick, of Sandrick Law Firm LLC in South Holland; 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: \$ 20,037
IMPR.: \$ 57,852
TOTAL: \$ 77,889

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 2009 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a two-story dwelling of frame and masonry construction. The dwelling contains 5,750 square feet of living area and was constructed in 1953. Features of

the home include five bedrooms, three fireplaces, two one-car attached garages, an enclosed, heated pool area, and a wood deck. The property has a 100,188 square foot site and is located in Flossmoor, Bloom Township, Cook County. The property is a class 2-09 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the 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, 2009. The appraiser estimated a fair market value for the subject of \$600,000 based on the cost and sales comparison approaches to value. The appraiser also conducted an inspection of the subject.

Under the cost approach, the appraiser estimated the subject's land value at \$150,000, of \$1.50 per square foot. The appraiser then estimated the replacement cost new of the improvements using the Marshall and Swift cost manual and the appraiser's experience. After depreciation, the appraiser estimated the improvement's value to be \$411,300. After adding the land value and site improvements, the appraiser concluded that the subject's total value under the cost approach was \$611,300. The appraiser stated that this approach was given secondary consideration in his final analysis.

Under the sales comparison approach, the appraiser analyzed five sale comparables. The sales ranged in unadjusted value from \$104.35 to \$165.74 per square foot, including land. Sale comparable #4 is located 2.5 miles away from the subject property. Moreover, the appraiser made gross adjustments to the comparable sales ranging from 25.57% to 73.72%. Based on this evidence, the appellant requested a reduction in the subject's market value to \$600,000 as of January 1, 2009.

The Cook County Board of Review submitted its "Board of Review-Notes on Appeal," wherein the subject's total assessment of \$77,889 was disclosed. The subject's assessment reflects a market value of \$875,157, or \$152.20 per square foot, including land, when applying the 2009 three year median level of assessment under the Cook County Real Property Assessment Classification Ordinance of 8.9% as determined by the Illinois Department of Revenue.

In support of the subject's assessment, the board of review submitted descriptive and assessment information for four sale properties suggested as comparable to the subject. One of the

four properties is located on the subject's block. The comparables are described as two-story, masonry or frame and masonry, single-family dwellings. Additionally, the comparables range: in age from four to six years; in size from 4,012 to 5,721 square feet of living area; and in sale price per square foot from \$134.60 to \$295.84 per square foot of living area, including land. The comparables also have several amenities. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

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's conclusion of value to be persuasive as many of the adjustments made by the appraiser in the sales comparison approach were excessive. There are appraisal guidelines regarding adjustments 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"). These guidelines state that a line item adjustment should not exceed 10.0%, that a net adjustment should not exceed 15.0%, and that a gross adjustment should not exceed 25.0%. Id. Specifically, the appraiser's comparables had gross adjustments ranging from 25.57% to 73.72%.

Moreover, the subject's current market value of \$152.20 is within the range of the nine unadjusted comparables contained in the record. Therefore, as the Board finds the appraiser's conclusion of value to be unreliable, the subject's per square foot value is supported and a reduction in the subject's assessment 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

Mark Albino

Member

[Signature]

Member

Member

Jerry White

Acting 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: July 24, 2015

[Signature]

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.