



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

APPELLANT: Jerome Frankel
DOCKET NO.: 10-21469.001-R-1
PARCEL NO.: 11-19-219-022-0000

The parties of record before the Property Tax Appeal Board are Jerome Frankel, the appellant, by attorney Scott Shudnow of Shudnow & Shudnow, Ltd. 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: \$11,780
IMPR.: \$65,220
TOTAL: \$77,000

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 2010 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 masonry construction with 3,036 square feet of living area. The dwelling is 49 years old. Features of the home include a

partial basement that has a formal recreation room, central air conditioning, two fireplaces and a two-car garage.¹ The property has a 9,617 square foot site and is located in close proximity to Lake Michigan on Lake Shore Boulevard in Evanston, Evanston 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 \$575,000 as of January 1, 2010.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$95,090. The subject's assessment reflects a market value of \$950,900 or \$313.21 per square foot of living area, including land, when applying the Cook County Real Property Assessment Classification Ordinance level of assessment for class 2 property of 10%.

In support of its contention of the correct assessment the board of review submitted information on four equity comparables.

The board of review's submission included a list of 9 sales from the subject's neighborhood that occurred from August 1995 to June 2010 for prices ranging from \$695,000 to \$1,650,000.

The appellant submitted a rebuttal brief critiquing the board of review submission.

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

As an initial matter regarding the subject dwelling's size, the Board finds the appellant's appraisal lacked a sketch of the

¹ The parties differ as to the subject dwelling's size, age and the number of fireplaces.

dwelling, even though on page #5 of the report the appraisers acknowledge that a sketch was provided. This error or omission undermines the credibility of the report. The board of review submitted the subject's property record card disclosing the subject dwelling has 3,036 square feet of living area. For the purposes of this appeal, the Board finds the subject dwelling has 3,036 square feet of living area. As to the subject's age, the Board finds a one year difference in age reported by the parties will not impact the Board's decision. As to the parties difference to whether the subject has one or two fireplaces, the Board finds the appellant's appraisers failed to include interior photographs, which would support their contention. The subject's property record card submitted by the board of review discloses the subject dwelling has two fireplaces. For the purposes of this appeal, the Board finds the subject dwelling has two fireplaces.

The Board gave less weight to the value conclusion arrived at from the appellant's appraisal. The Board finds the appellant's appraisers selected three suggested comparables, two of which are located over 3-miles from the subject and none of the comparables are located as close to Lake Michigan as the subject property. The report indicated that Lake Front Park is located directly east of the subject property. Nevertheless, the appraisers made no adjustments for location. In addition, two of the comparables have considerably less land area, when compared to the subject lot and no adjustments were made. Furthermore, the selected comparables are older than the subject, two of which are significantly older than the subject and no adjustments were made. Based on this record the Board finds the appraisers understated the value of the subject property.

The Board finds the equity comparables presented by the board of review are not responsive to the overvaluation argument made by the appellant, however, the board of review's list of nine sales from the subject's neighborhood included a sale from June 2010 for \$775,000 and some weight was given to this sale. Based on the sales data in this appeal and adjusting the appellant's appraisal comparables for differences when compared to the subject, such as location, lot size, and age, the Board finds a reduction in the subject's assessment is justified.

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

K. L. Fan

Klaus Albrecht

Member

Member

JR

Jerry White

Member

Acting Member

Robert Steffen

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: December 18, 2015

A. Proctor

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.