



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

APPELLANT: Joanna Marszalek
DOCKET NO.: 15-31285.001-R-1
PARCEL NO.: 17-18-316-059-0000

The parties of record before the Property Tax Appeal Board are Joanna Marszalek, 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 in this matter, 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: \$9,375
IMPR.: \$24,625
TOTAL: \$34,000

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 2015 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 and one-half story dwelling of masonry construction with 2,420 square feet of living area.¹ The dwelling is approximately 138 years old. Features of the home include a full finished basement, central air conditioning, a fireplace and a two-car detached garage. The property has a 3,150-square foot site and is located in Chicago, West Chicago Township, Cook County. The property is a class 2-06 property under the Cook County Real Property Assessment Classification Ordinance.

¹ The parties differed on the subject's land area, story height, age, living area and features. The board of review provided a listing of the subject's characteristics without any additional documentation. The appraiser stated he had inspected the subject property and provided a schematic drawing of the dwelling on page 15 of the appraisal report. The Board accepts the appraiser's statements regarding the subject dwelling as they have better support than the board of review's listing.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal report, dated August 11, 2015, estimating the subject property had a market value of \$340,000 as of January 1, 2015. The appraiser developed the sales comparison approach for estimating the market value of the subject property. Under the sales comparison approach, the appraiser considered six comparable properties that sold from June 2013 to February 2015 for prices that ranged from \$215,000 to \$390,000 or from \$104.88 to \$188.59 per square foot of living area, land included. The comparables were located from 0.03 to 0.98 miles from the subject property and have sites that range from 2,099 to 4,000 square feet of land area. The comparable properties are improved with two and one-half story dwellings of masonry construction. The dwellings range in age from 7 to 135 years old and range in size from 2,000 to 2,300 square feet of living area. After identifying differences between the comparable properties and the subject, the appraiser made numerous adjustments to the sale prices for differences in condition of sale, location, condition, age, living area; number of bathrooms, basement finished area, and the size of their garages. The appraiser determined the adjusted sale prices of the comparable properties ranged from \$277,000 to \$379,000 or from \$125.00 to \$189.50 per square foot of living area, land included. As a result, the appraiser concluded that the subject property had a market value of \$340,000 as of January 1, 2015. Based upon the appraisal, the appellant requested that the subject's total assessment be reduced to \$34,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$46,132. The subject's assessment reflects a market value of \$461,320 or \$190.63 per square foot of living area, land included, when applying the 10% level of assessment for class 2 residential properties under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment, the board of review submitted information on four comparable sales that sold from January 2013 to March 2015 for prices that ranged from \$460,000 to \$1,035,000 or from \$166.12 to \$417.00 per square foot of living area, land included. The comparable sales have the same assigned neighborhood and classification codes as the subject. The comparables have sites that range from 2,250 to 2,900 square feet of land area. The comparables are improved with two-story dwellings of masonry, frame or frame and masonry construction. The dwellings range in age from 125 to 132 years old and contain from 2,294 to 2,769 square feet of living area. Two of the comparables have full basements, with one having finished area. Each comparable has central air conditioning; one comparable has a fireplace; and two comparables have garages. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's attorney asserted that the board of review had submitted four unadjusted raw sales that were located at least one and one-half miles from the subject.

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.

The Board finds the best evidence of market value in the record to be the appraisal submitted by the appellant. The appellant's appraiser estimated the subject property had a market value of \$340,000 as of January 1, 2015. The appraiser analyzed six comparable sales to arrive at an estimate of the subject's market value. The Board finds the appraiser made logical adjustments to arrive at a final conclusion of value. The subject's assessment reflects a market value above the best evidence of market value in the record.

The Board finds the board of review was not able to adequately refute the market value conclusion contained in the appellant's appraisal report. The board of review submitted four comparable sales but made no adjustments to the sale prices for differences from the subject in location, foundation, living area and date of sale. Consequently, the Board gave less weight to the board of review's market value evidence.

The Board finds the subject property had a market value of \$340,000 as of the assessment date at issue. Based on the evidence in the record, the Board finds a reduction in the subject's assessment commensurate with the appellant's request 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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



Member



Member



Member

DISSENTING: _____

CERTIFICATION

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 17, 2018



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

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