



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

APPELLANT: Dustin Walker
DOCKET NO.: 16-20250.001-R-1
PARCEL NO.: 05-18-216-026-0000

The parties of record before the Property Tax Appeal Board are Dustin Walker, the appellant, by attorney Timothy E. Moran, of Schmidt Salzman & Moran, 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 **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: \$13,464
IMPR.: \$73,536
TOTAL: \$87,000

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 2016 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 “Colonial” style dwelling of frame and masonry construction with 2,518 square feet of living area. The dwelling is approximately 60 years old. The home features a full unfinished basement, central air conditioning, a fireplace and a two-car garage. The property has approximately 8,400 square feet of land area and is located in Winnetka, New Trier Township, Cook County. The subject is classified as a class 2-78 property under the Cook County Real Property Assessment Classification Ordinance.¹

¹ The parties differ as to the size of the subject’s lot, the size of the dwelling, the age of the dwelling, the size of the garage and whether the subject has central air conditioning or a fireplace. The Board finds the small differences in lot size and age would not impact the Board’s decision in this appeal, however, the Board finds the sketch of the subject’s improvements within the appraisal supports a dwelling size of 2,518 square feet of living area and a two-car garage. Furthermore, the photographs within the appraisal reveal that the dwelling has central air conditioning equipment and a fireplace.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted limited evidence disclosing the subject property was purchased on June 3, 2013 for a price of \$739,000.

As an alternative argument, the appellant submitted an appraisal estimating the subject property had a market value of \$815,000 as of January 1, 2016.

The appellant's appraiser utilized the sales comparison approach in estimating a market value for the subject property. The appellant's appraiser selected three properties that were located from .07 to .47 of a mile from the subject property. The dwellings were "Cape Cod," "Tudor," or "English" style homes that ranged in size from 2,050 to 2,537 square feet of living area. The homes ranged in age from 57 to 90 years old and had other features with varying degrees of similarity to the subject. The properties had sale dates of June or September 2015 and sold for prices ranging from \$815,000 to \$835,000 or from \$325.78 to \$397.56 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$87,000. The subject's assessment reflects a market value of \$870,000 or \$345.51 per square foot of living area including land, when using 2,518 square feet of living area and when using the level of assessments for class 2 property of 10% under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment the board of review submitted a grid analysis containing information on four sales that were located within the same neighborhood code as the subject property. The comparables were similar two-story dwellings that ranged in size from 2,522 to 3,121 square feet of living area. The comparables range in age from 10 to 62 years old and had other features with varying degrees of similarity to the subject. The sales occurred from December 2014 to August 2016 for prices ranging from \$875,000 to \$1,330,000 or from \$289.54 to \$469.87 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 not meet this burden of proof and a reduction in the subject's assessment is not warranted.

As an initial finding regarding the subject's June 2013 sale, the Board gave little weight to the sale due to its occurrence greater than 30 months prior to the January 1, 2016 assessment date at issue. The Board finds the 2013 sale is not recent and would not be probative of the subject's

market value as of the assessment date at issue. Furthermore, the appellant's attorney partially completed Section IV - Recent Sale Data of the appeal disclosing the subject was sold by the owner, the property was sold using a Realtor and the property had been advertised on the open market through the Multiple Listing Service (MLS). However, the appellant's attorney failed to reveal the length of market exposure, which is an important element of determining whether an arm's-length sale transaction occurred. The Property Tax Appeal Board's appeal form requires Section IV be completed when arguing overvaluation based on a recent sale. Finally, the appellant's appraisal included a disclosure by the appraiser that "According to the CCRD and the MLS, the subject has not been transferred within the past three years." This disclosure further calls into question whether the subject was advertised through the MLS and whether an arm's-length sale transaction occurred.

The Board also gave less weight to the appellant's appraisal's value conclusion due to the appraiser's selection of sales #3 and #4 which were significantly older than the subject and would require too large of an adjustment to be considered comparable to the subject, when other more comparable properties were available. However, the Board will analyze the remaining sale used in the appraisal, as well as the board of review's evidence.

The Board finds the best evidence of market value to be the appellant's appraisal's comparable #1, as well as the board of review's comparable sales #1 and #3. These comparables were most similar to the subject in location, design, age, size and features. These comparables also sold proximate in time to the January 1, 2016 assessment date at issue. These most similar comparables sold from December 2014 to September 2015 for prices ranging from \$815,000 to \$1,185,000 or from \$289.54 to \$397.56 per square foot of living area, including land. The subject's assessment reflects a market value of \$870,000 or \$345.51 per square foot of living area, including land, which is within the range established by the best comparables in this record. The Board gave less weight to the board of review's remaining comparables due to their significantly newer ages when compared to the subject.

Based on the evidence in this record, the Board finds the appellant did not prove by a preponderance of the evidence that the subject property was being over assessed and a reduction in the subject's assessment is not 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: March 19, 2019



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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