



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

APPELLANT: Phoebe Nixon
DOCKET NO.: 16-21223.001-R-1
PARCEL NO.: 05-21-403-004-0000

The parties of record before the Property Tax Appeal Board are Phoebe Nixon, the appellant, by attorney Robert Rosenfeld, of Robert H. Rosenfeld and Associates, LLC 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: \$63,360
IMPR.: \$256,640
TOTAL: \$320,000

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 is improved with a two-story dwelling of frame and masonry construction containing 4,549 square feet of living area.¹ The dwelling is 88 years old. Features of the home include a basement with finished area, central air conditioning, 2 fireplaces and a 1½-car garage. The site is 14,400 square feet in size, has Lake Michigan frontage, and is located in Winnetka, New Trier Township, Cook County.

¹ The appraiser reports the subject contains 4,549 square feet of living area but presented no documentation of dwelling size. The appraiser states she did an “exterior inspection of the property improvements and curb side inspection of the site.” The appraiser further reports local assessor records were used to estimate square foot areas of the comparables. The board of review contends the subject dwelling is 3,776 square feet in size but presented no evidence to support the contention. For purposes of this analysis, the Board will use a dwelling size of 4,549 square feet of living area.

The appellant marked overvaluation and assessment inequity² as the bases of the appeal. In support of the overvaluation argument the appellant submitted an appraisal report prepared by Pamela L. Sonshine, Certified Residential Real Estate Appraiser, estimating the subject property had a market value of \$3,200,000 or approximately \$703 (rounded) per square foot of living area, including land, as of January 1, 2016. The appraiser analyzed four comparables in developing the sales comparison approach to value. They are described as 1 or 2-story dwellings with Lake Michigan frontage located from .01 of a mile to 3.41 miles from the subject. One comparable is located in a different city than the subject. The comparables range in age from 59 to 90 years old and range in size from 3,550 to 4,912 square feet of living area. The comparables' features have varying degrees of similarity when compared to the subject. The sites range in size from 15,000 to 46,086 square feet of land area. The comparables sold from March 2014 through April 2015 for prices ranging from \$2,489,000 to \$3,600,000 or from \$507 to \$845 (rounded) per square foot of living area including land. After adjusting for differences when compared to the subject, the comparables' had adjusted sale prices ranging from \$2,799,100 to \$3,652,800. Based on these adjusted sales, the appraiser concluded an estimated market value for the subject of \$3,200,000 or \$703 (rounded) per square foot of living area including land.

In further support of the overvaluation argument the appellant completed Section IV - Recent Sale Data of the appeal form indicating the subject was purchased on October 1, 2013 for \$2,825,000. The sale was handled through a realtor, advertised on the Multiple Listing Service, was sold in settlement of a contract for deed and the sale was not between family or related corporations. The appellant did not disclose the length of time the subject was on the market. The appellant submitted a Settlement Statement and other documentation of the sale confirming the sale price of \$2,825,000, the date of sale of October 1, 2013 and a listing commission paid to one realtor. Based on this evidence, the appellant requested the total assessment be reduced to \$320,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$365,280. The subject's assessment reflects a market value of \$3,652,800 or \$803 (rounded) per square foot of living area including land using 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 three assessment comparables located in the same neighborhood code as the subject, one on the same street and same block as the subject. They are described as 2-story dwellings ranging in age from 91 to 120 years old. They range in size from 4,249 to 4,912 square feet of living area. The features have varying degrees of similarity as compared to the subject. The comparables have improvement assessments ranging from \$292,311 to \$425,220 or from \$68.80 to \$86.57 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's attorney cited differences between the subject and the board of review comparables.

² The appellant did not submit any evidence to demonstrate the subject property was inequitably assessed.

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 appellant submitted evidence the subject was purchased on October 1, 2013 for \$2,825,000. The Board gave less weight to this sale due to the sale date which is not proximate in time to the assessment date of January 1, 2016. Moreover, an appraisal submitted by the appellant estimated the subject had a market value of \$3,200,000 as of January 1, 2016.

The appellant submitted an appraisal in which the appraiser estimated the subject's market value at \$3,200,000 or \$703 (rounded) per square foot of living area, including land, as of January 1, 2016. Appraisal comparables #3 and #4 are located from 2.08 to 3.41 miles from the subject. Appraisal comparables #1 and #2 are sales from 2014 and not proximate in time to the assessment date at issue. Comparable #3 is a one-story dwelling as compared to the subject's two-story style. Comparable #4 is located in a different city than the subject. The appraiser states comparable #4 "has a much larger lot size of over an acre" and "has no beach but rather rocky shoreline and is considered to have an inferior location." In the appraisal grid analysis, the appraiser reports the site size of Comparable #4 as 38,640 square feet of land area, well under an acre, and gave it a negative adjustment of \$250,000 which is inconsistent with an inferior location. Despite these issues, the appraisal is the only evidence of market value in the record. Based on this evidence the Board finds the appellant did demonstrate with a preponderance of the evidence that the subject is overvalued and a reduction in the subject's assessment is 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. 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: May 21, 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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