

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Edward Don & Company
DOCKET NO.: 03-20247.001-C-1
PARCEL NO.: 15-25-201-020-0000

The parties of record before the Property Tax Appeal Board are Edward Don & Company, the appellant, by attorney Mitchell L. Klein with the law firm of Schiller, Klein & McElroy, P.C. in Chicago, and the Cook County Board of Review.

The subject property consists of a parcel of land classified as 5-90 or commercial minor improvements by the Cook County Assessor's office and located in Riverside Township, Cook County.

The appellant in this appeal submitted documentation to demonstrate that the subject property was improperly assessed. This evidence was timely filed by the appellant pursuant to the Official Rules of the Property Tax Appeal Board.

The appellant, through counsel, submitted evidence before the Property Tax Appeal Board claiming the market value of the subject is not accurately reflected in its assessment. In support of this contention, the appellant's attorney submitted a two-page brief, a copy of a Petition for Division and/or Consolidation of Property for Tax Year 2001, a copy of an Attachment to Petition for Tax Division with legal descriptions of the property, an affidavit and copies of the subject's property printouts. The appellant argued that the subject parcel contains 138,964 square feet of land, whereas, the assessor's records indicate the subject contains 151,446 square feet. In addition, the appellant argued that only 77,958 square feet are covered by blacktop and used for parking while the remaining 61,006 square feet are excess land and should be assessed at a 22% level of assessment. Finally, the appellant argued that the actual cost of the blacktop was overstated and incorrect. Based

(Continued on Next Page)

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: \$ 265,393
IMPR.: \$ 28,922
TOTAL: \$ 294,315

Subject only to the State multiplier as applicable.

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upon this information, the appellant requested a reduction in the subject's assessment.

In contrast, the board of review did not submit its "Board of Review Notes on Appeal" or any evidence in support of its assessed valuation of the subject property. Accordingly, the board was defaulted.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist, 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arms-length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. (86 Ill.Adm.Code §1910.65(c)) Having reviewed the record and considering the evidence, the Board finds the appellant has satisfied this burden.

Based on the appellant's uncontested evidence, the Board finds that the subject contains 77,958 square feet of land covered by blacktop and used for parking and that the remaining square feet of vacant land carries a 22% level of assessment. Therefore, the Board finds the appellant has supported the contention that the subject is overvalued and a reduction in the subject's assessment is warranted. The board of review did not submit any evidence in support of its assessment of the subject property as required by Section 1910.40(a) of the Official Rules of the Property Tax Appeal Board.

The Board has examined the information submitted by the appellant and finds that it does support a reduction in the assessed valuation of the subject property.

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



Member



Member



Member



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 7, 2007



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.