

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: James Banys
DOCKET NO.: 03-25704.001-R-1
PARCEL NO.: 14-30-209-025

The parties of record before the Property Tax Appeal Board (hereinafter PTAB) are James Banys, the appellant, by attorney Terrence Kennedy, Jr. in Chicago and the Cook County Board of Review.

The subject property consists of a 3,125 square foot parcel of land containing a 105-year old, single-family residence. The appellant, via counsel, argued that the fair market value of the subject is not accurately reflected in its assessed value as the bases for this appeal.

In support of this argument, the appellant's attorney submitted a brief arguing that the subject property was purchased in 2002, demolished in February 2003, and, therefore, should be assessed for based on a 10% occupancy factor for the 2003 assessment year. In addition, the appellant submitted a colored photograph of the new improvement on the property, a copy of an affidavit stating the property was purchased in 2002 and demolished in February 2003, a copy of a demolition permit for the subject property dated February 23, 2003, and a copy of the settlement statement, warranty deed, and transfer declaration stamps showing the property sold on September 13, 2002 for \$320,000.

(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: \$ 4,800
IMPR.: \$ 27,616
TOTAL: \$ 32,416

Subject only to the State multiplier as applicable.

PTAB/0328JBV

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$33,274. The subject's assessment reflects a market value of \$207,963 using the level of assessment of 16% for Class 2 property as contained in the Cook County Real Property Assessment Classification Ordinance. The board also submitted copies of the property characteristic printouts for the subject as well as three suggested comparables with all the properties located within the subject's neighborhood. The board's properties contain a two-story, masonry, single-family dwelling with two or three baths. The improvements range: in age from one to four years; in size from 2,356 to 2,632 square feet of living area; and in improvement assessments from \$14.23 to \$28.65 per square foot of living area. The properties contain a full, finished basement, air conditioning and one or four fireplaces. As a result of its analysis, the board requested confirmation of the subject's assessment.

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

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331Ill.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 arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code 1910.65(c). Having considered the evidence presented, the PTAB concludes that the evidence indicates a reduction is warranted.

In determining the fair market value of the subject property, the PTAB finds the best evidence to be the sale of the subject property on September 13, 2002 for \$320,000. Since the market value of the subject has been established, the 2003 median level of assessment for Cook County Class 2 property of 10.13% will apply. In applying this level of assessment to the subject, the total assessed value is \$32,416, while the subject's current total assessed value is above this amount at \$33,274. Therefore, the PTAB finds that a reduction is warranted.

This is a final administrative decision of the Property Tax Appeal Board are 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: September 28, 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.