PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Tower View Condo Association
DOCKET NO.: 03-26801.001-R-2 thru 03-26801.012-R-12
04-26688.001-R-2 thru 04-26688.012-R-12
PARCEL NO.: See Page 3

The parties of record before the Property Tax Appeal Board (hereinafter PTAB) are Tower View Condo Association, the appellant, by attorney Thomas M. Battista with the law firm of Rock, Fusco & Associates, LLC in Chicago and the Cook County Board of Review.

The subject property consists of a 12 unit condominium building. The units are allocated either 16% or 18% ownership in the 11,793 square foot building. The appellant, via counsel, argued that there was unequal treatment in the assessment process of the improvement as the basis of this appeal.

As a procedural matter, the PTAB finds that these appeals are within the same assessment triennial, involve common issues of law and fact and a consolidation of the appeals would not prejudice the rights of the parties. Therefore, under the *Official Rules of the Property Tax Appeal Board, Section 1910.78*, the PTAB consolidated the above appeals without objection.

In support of this equity argument, the appellant's attorney submitted a grid listing the Property identification numbers (PINs) and assessments for a total of six suggested comparables. These suggested comparables are condominium building with between three and 60 units. The information included the separate assessment for any suggested comparables' parking space.

(Continued on Next Page)

Based on the facts and exhibits presented, 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: See Page 3
IMPR.: See Page 3
TOTAL: See Page 3

Subject only to the State multiplier as applicable.

PTAB/0459JBV

At hearing, the appellant's attorney, Thomas Battista, argued that the evidence establishes the need for a reduction for the subject property. Mr. Battista argued that based on the sales submitted by the board of review, the most relevant sale took place a couple months after the lien date for 2004 and relatively close to the 2003 lien date. Mr. Battista stated this unit sold for $395,000 but is assessed at $51,199 which yields a sales ratio of 12.96%. Mr. Battista argued this ratio is higher than the median level sales ratio that would be used. Mr. Battista argued that this sale is not included in the board of review's memoranda establishing the market value for the subject. He also argued that 2000 sales were included in the board's analysis and that these sales are too far removed from the lien date to be appropriate indications of value.

As to the appellant's evidence, Mr. Battista argued that the suggested comparable properties are located within several blocks of the subject and are similar to the subject. Mr. Battista presented a colored aerial map, marked as Hearing Exhibit #1, showing the subject property and a three block radius with the comparables all located within that radius. This document was accepted into evidence without objection from the board of review. Mr. Battista stated that the evidence includes the PINs for the parking spaces. He argues that the assessed value for these should not be included in comparing the subject property. Mr. Battista argued that in reviewing the evidence without the parking spaces, the evidence shows the suggested comparable are assessed for an average of $22,808 to $31,599 per unit. Based on this analysis, the appellant requested a reduction in the improvement's assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was $444,812. This assessment reflects a market value of $2,780,075 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 a memo from Matt Panush, Cook County Board of Review Analyst and a list of sales of properties with the same classification as the subject and located in the subject's neighborhood for each appealed year. The memoranda and the lists show the number of units that sold within the subject property, indicates the % of ownership for these sales, subtracts a personal property allocation from the sale of each unit and establishes a market value for the building as a whole. As a result of its analysis, the board requested confirmation of the subject's assessment.

The board of review's representative, Matt Panush, testified that the board of review uses market value to determine the assessed value of condominium buildings and specifically uses the sale of properties within a condominium building to establish the assessed value for that building. He testified that there were

five sales in the building that were considered for the 2003 assessment year. These units made up 40.33% of ownership. He argued that this is the best evidence of comparability. He stated this amount is then utilized to estimate a market value for the whole building for 2003 of $4,664,638. Mr. Panush testified that for 2004 five sales were analyzed. He stated that the 2004 sale was not used to analyze the 2003 appeal; however, he had no objection to using this sale for both years. He argued that based on this method, the building is properly assessed.

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

Appellants who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill. 2d 1, 544 N.E.2d 762 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. Proof of assessment inequity should include assessment data and documentation establishing the physical, locational, and jurisdictional similarities of the suggested comparables to the subject property. *Property Tax Appeal Board Rule* 1910.65(b). Mathematical equality in the assessment process is not required. A practical uniformity, rather than an absolute one is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395, 169 N.E.2d 769 (1960). Having considered the evidence presented, the PTAB concludes that the appellant has not met this burden and that a reduction is not warranted.

The PTAB finds that the appellant failed to submit sufficient evidence to determine if the subject property was over assessed. Although the appellant provided comparable properties, the appellant failed to submit key elements to comparability: size, construction, design and amenities of the subject property and the suggested comparables. Moreover, the PTAB finds that the board of review's evidence supports the current assessment on the subject property.

As a result of this analysis, the PTAB further finds that the appellant has not adequately demonstrated that the subject was inequitably assessed by clear and convincing evidence and that a reduction is not warranted.

DOCKET #	**PIN**	**LAND**	**IMP**	**TOTAL**
03-26801.001-R-2	17-04-220-053-1001	$4,372	$46,827	$51,199
03-26801.002-R-2	17-04-220-053-1002	$4,372	$46,827	$51,199
03-26801.003-R-2	17-04-220-053-1003	$2,424	$25,969	$28,393
03-26801.004-R-2	17-04-220-053-1004	$2,424	$25,969	$28,393
03-26801.005-R-2	17-04-220-053-1005	$2,424	$25,969	$28,393

Docket No. 03-26801.001-R-2 thru 03-26801.012-R-1
04-26688.001-R-2 thru 04-26688.012-R-2

03-26801.006-R-2	17-04-220-053-1006	$2,424	$25,969	$28,393
03-26801.007-R-2	17-04-220-053-1007	$2,424	$25,969	$28,393
03-26801.008-R-2	17-04-220-053-1008	$2,424	$25,969	$28,393
03-26801.009-R-2	17-04-220-053-1009	$3,673	$39,341	$43,014
03-26801.010-R-2	17-04-220-053-1010	$3,673	$39,341	$43,014
03-26801.011-R-2	17-04-220-053-1011	$3,673	$39,341	$43,014
03-26801.012-R-2	17-04-220-053-1012	$3,673	$39,341	$43,014
04-26688.001-R-2	17-04-220-053-1001	$4,372	$46,827	$51,199
04-26688.002-R-2	17-04-220-053-1002	$4,372	$46,827	$51,199
04-26688.003-R-2	17-04-220-053-1003	$2,424	$25,969	$28,393
04-26688.004-R-2	17-04-220-053-1004	$2,424	$25,969	$28,393
04-26688.005-R-2	17-04-220-053-1005	$2,424	$25,969	$28,393
04-26688.006-R-2	17-04-220-053-1006	$2,424	$25,969	$28,393
04-26688.007-R-2	17-04-220-053-1007	$2,424	$25,969	$28,393
04-26688.008-R-2	17-04-220-053-1008	$2,424	$25,969	$28,393
04-26688.009-R-2	17-04-220-053-1009	$3,673	$39,341	$43,014
04-26688.010-R-2	17-04-220-053-1010	$3,673	$39,341	$43,014
04-26688.011-R-2	17-04-220-053-1011	$3,673	$39,341	$43,014
04-26688.012-R-2	17-04-220-053-1012	$3,673	$39,341	$43,014

Docket No. 03-26801.001-R-2 thru 03-26801.012-R-1
04-26688.001-R-2 thru 04-26688.012-R-2

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: October 26, 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.