

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Niall Brophy
DOCKET NO.: 03-30449.001-R-1
PARCEL NO.: 14-31-101-010-0000

The parties of record before the Property Tax Appeal Board are Niall Brophy, the appellant, by attorney Lisa A. Marino of Marino & Associates in Chicago, and the Cook County Board of Review.

The subject property consists of an 87-year-old, three-story, multi-family dwelling of masonry construction containing 2,868 square feet of living area with three full bathrooms, a full-unfinished basement and a one-car detached garage. The subject is located in West Chicago Township, Cook County.

The appellant, through counsel, submitted evidence before the Property Tax Appeal Board claiming unequal treatment in the assessment process of the improvement as the basis of the appeal. The appellant also argued overvaluation based on the recent sale of the subject property. In support of the inequity claim, the appellant submitted assessment data and descriptive information on three properties suggested as comparable to the subject. The appellant also submitted a three-page brief, photographs of the subject and the suggested comparables and a copy of the board of review's decision. Based on the appellant's documents, the three suggested comparables consist of two-story or three-story, multi-family dwellings of masonry or frame and masonry construction located within three blocks of the subject. The improvements range in size from 2,772 to 3,597 square feet of living area and range in age from 93 to 113 years. The comparables contain two or three full bathrooms. Two comparables contain an unfinished basement and one comparable has a two-car detached garage. The improvement assessments range from \$11.00 to \$12.00 per square foot of living area.

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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: \$ 5,533
IMPR.: \$ 27,643
TOTAL: \$ 33,176

Subject only to the State multiplier as applicable.

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In support of the overvaluation claim, the appellant submitted evidence disclosing that the subject sold in March 2001 for a price of \$327,500. In addition, the appellant proffered a copy of the subject's real estate sales contract as well as two affidavits. Based upon this information, the appellant requested an assessment reflective of a fair market value for the subject of \$327,500.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's total assessment of \$43,000. The subject's improvement assessment is \$37,467 or \$13.06 per square foot of living area. In support of the assessment the board submitted property characteristic printouts and descriptive data on four properties suggested as comparable to the subject. The suggested comparables are improved with three-story, multi-family dwellings of masonry construction located within two blocks of the subject. Three comparables are located on the same street as the subject. The improvements range in size from 2,763 to 2,900 square feet of living area and range in age from 87 to 95 years. The comparables contain three full bathrooms and a full-unfinished basement. Three comparables contain a two-car detached garage. The improvement assessments range from \$14.26 to \$15.34 per square foot of living area. The board of review's evidence disclosed that the subject sold in March 2001 for a price of \$327,500. Based on the evidence presented, the board of review requested confirmation of the subject's assessment.

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. 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 considered the evidence, the Board finds the appellant has satisfied this burden and a reduction is warranted.

The Board places the most weight on the appellant's documentation indicating the subject sold in March 2001 for a price of \$327,500. The appellant proffered a copy of the subject's real estate sales contract and affidavits reflecting the purchase price of \$327,500. The board of review failed to provide any evidence to refute the arms-length nature of the transaction. Moreover, the board of review's evidence does not address the appellant's market value argument.

Therefore, the Property Tax Appeal Board finds that the subject had a market value of \$327,500 as of January 1, 2003. The Board further finds that the 2003 Illinois Department of Revenue's three-year median level of assessments of 10.13% for Class 2 property shall apply and a reduction is appropriate. As a final point, the Board finds no further reduction is warranted based on the appellant's claim of unequal treatment in the assessment process.

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.