

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Gregory & Gwenn Shenk  
DOCKET NO.: 04-21060.001-R-1  
PARCEL NO.: 11-19-208-028-0000

The parties of record before the Property Tax Appeal Board (PTAB) are Gregory & Gwenn Shenk, the appellants, by attorneys Leslie Hedges and Joseph Huang with the Law Offices of Terrence Kennedy, Jr. in Chicago, and the Cook County Board of Review (board).

The subject property consists of a 112-year-old, two-story, single-family dwelling of frame construction containing 3,698 square feet of living area and located in Evanston Township, Cook County. Features of the residence include two and one-half bathrooms, a full-unfinished basement, two fireplaces and a two-car detached garage.

The appellants, through counsel, appeared before the PTAB arguing unequal treatment in the assessment process of the improvement as the basis of the appeal. In support of this claim, the appellants submitted assessment data and descriptive information on five properties suggested as comparable to the subject. The appellants also submitted a one-page brief, photographs and Cook County Assessor's Internet Database sheets for the subject and the suggested comparables and a copy of the board of review's decision. Based on the appellants' documents, the five suggested comparables consist of two-story, single-family dwellings of stucco or frame construction located within 0.40 miles of the subject. The improvements range in size from 3,130 to 4,283 square feet of living area and range in age from 91 to 109 years. The comparables contain from two to three and one-half bathrooms, a full-unfinished basement and a one-car or two-car detached garage. Four comparables have one or two fireplaces. The improvement assessments range from \$16.28 to \$19.61 per square foot of living area. The appellants' evidence disclosed that the subject sold in June 2004 for a price of \$1,025,000.

At hearing, the appellants' attorneys argued that the appellants' comparables are similar to the subject and should be considered

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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: \$ 17,860  
IMPR.: \$ 78,662  
TOTAL: \$ 96,522

Subject only to the State multiplier as applicable.

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as such by the PTAB. Based on the evidence submitted, the appellants requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's total assessment of \$96,552. The subject's improvement assessment is \$78,662 or \$21.27 per square foot of living area. In support of the assessment the board submitted property characteristic printouts and descriptive data on three properties suggested as comparable to the subject. The suggested comparables are improved with two-story, single-family dwellings of frame construction located within the same survey block as the subject. The improvements range in size from 2,896 to 3,410 square feet of living area and range in age from 101 to 109 years. The comparables contain two and one-half or three full bathrooms, a full-finished or unfinished basement, from one to four fireplaces and a two-car or three-car detached garage. The improvement assessments range from \$21.28 to \$23.82 per square foot of living area. The board's evidence disclosed that the subject was purchased in June 2004 for a price of \$1,025,000.

At hearing, the board's representative indicated that the board of review would rest on the written evidence submissions. Based on the evidence presented, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellants' attorneys argued that the per square foot improvement assessment for the board's comparable one was reduced from \$23.82 to \$19.20, however, the reason for the reduction was unknown and no substantive evidence was provided.

After hearing the testimony and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The appellants' argument was unequal treatment in the assessment process. The Illinois Supreme Court has held that taxpayers 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 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellants have not overcome this burden.

The PTAB finds the appellants' comparables one and three and the board of review's comparable one to be the most similar properties to the subject in the record. These three properties are similar to the subject in improvement size, exterior construction, amenities, age and location and have improvement assessments ranging from \$16.28 to \$23.82 per square foot of living area. The subject's per square foot improvement assessment of \$21.27 falls within the range established by these properties. The Board finds the remaining comparables less similar to the subject in improvement size. After considering

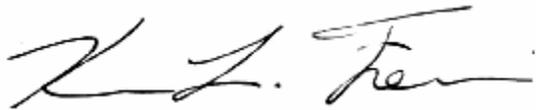
adjustments and the differences in both parties' suggested comparables when compared to the subject, the Board finds the subject's per square foot improvement assessment is supported by the most similar properties contained in the record.

As a result of this analysis, the PTAB finds the appellants have failed to adequately demonstrate that the subject dwelling was inequitably assessed by clear and convincing evidence and a reduction is not 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.



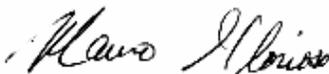
Chairman



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 19, 2008



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.