

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Hidden Cove Condominium Association
DOCKET NO.: 04-23414.001-R-3 through 04-23414.052-R-3
PARCEL NO.: See pages 4 and 5.

The parties of record before the Property Tax Appeal Board are Hidden Cove Condominium Association, the appellant, by attorney Gregory J. Lisinski of Evanston, and the Cook County Board of Review.

The subject property consists of a two-story, eight-year-old, 52 unit, frame and masonry constructed residential condominium building sited on a 206,988 square foot parcel located in Palatine Township, Cook County.

The appellant, through counsel, submitted evidence before the Property Tax Appeal Board claiming the assessment of the subject is excessive and violates the constitutionally guaranteed principle of uniformity of assessments. In support of the inequity argument, the appellant submitted copies of property search details from the Cook County Assessor's Office and photographs of ten suggested comparable condominium developments located within Palatine Township. In addition, the appellant submitted a brief as well as an analysis reflecting the unit numbers, number of units, addresses, property index numbers, assessment data, total assessed value and an average assessed value per unit for the ten suggested comparables. The data, descriptions and photographs provided by the appellant disclosed that the ten comparables consist of two-story or three-story, frame and masonry constructed residential condominium buildings located on parcels that range in size from 75,538 to 188,439 square feet of land; range in age from 12 to 23 years old; and contain from 28 to 48 units. The appellant's evidence indicated that the appellant's comparables like the subject have on-site parking. The size of each unit, type of unit, amenities per unit, features and total building size was not provided for either the subject or the suggested comparables. The appellant argued that the subject is most similar in age, unit size, development layout, and location to comparables one through five.

(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:

SEE PAGES 4 AND 5

Subject only to the State multiplier as applicable.

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The appellant also argued that the average assessed value of the subject units is \$20,923 per condominium unit while the average assessed value of 400 comparable units is \$14,438 per condominium unit. Based on the evidence presented, the appellant requested a reduction in the subject's per unit assessment to reflect the average per unit assessment of the suggested comparables of \$14,438.

The appellant's attorney argued that in past years, the general reassessment of property in Palatine Township resulted in the subject's assessment being the highest for condominium type properties. The appellant's attorney also argued that in each reassessment year, the Cook County Assessor, or the Cook County Board of Review would recognize the historically high assessment of the subject property and grant relief.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$1,087,382 was disclosed. In support of its assessment of the subject property, the board of review presented a sales analysis that consisted of 18 units located in the subject's complex which sold from 2001 through 2003. The total consideration for the 18 sales was \$4,242,375. Of that amount \$45,000, or \$2,500 per unit, was deducted for personal property. Thus, the total adjusted sales price for the real estate was calculated to be \$4,197,375. The board then adjusted the sales price by applying the total of the percentages of ownership of the units which sold, or 35.99623%, to conclude a total market value for the subject complex of \$11,660,596. Based on the evidence presented, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds it has jurisdiction over the parties and the subject matter of this appeal. The issue before the Property Tax Appeal Board is whether or not the subject's condominium units are being assessed equitably.

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 appellant has not overcome this burden.

The Board finds the appellant's argument claiming the assessment of the subject properties is excessive and violates the constitutionally guaranteed principle of uniformity of assessments unpersuasive. The appellant submitted ten properties as suggested comparables to the subject, however, the Board finds that the appellant's descriptive information with regard to the comparables is inadequate to determine their similarity or dissimilarity when compared to the subject. Section 1910.65(b) of the rules of the Property Tax Appeal Board (86 Ill. Adm. Code §1910.65(b)) requires documentation establishing the physical,

locational, and jurisdictional similarities of the suggested comparables to the subject. The appellant failed to provide the percentage of ownership, size of living area as well as features and distinctive amenities of the subject units and the individual units associated with all the comparable properties. The Board finds that without this information, it is unable to make an in depth analysis of the appellant's comparables and make a comparability finding.

The principle of uniformity of taxation requires that similar properties within the same district be assessed on a similar basis. The cornerstone of uniform assessment is the fair cash value of property in question. In this appeal the appellant did not demonstrate that the comparable condominiums had similar market values as the subject property but were being assessed at a substantially lower percent of fair market value than the subject condominium units. In order to demonstrate assessment inequity, the appellant needed to provide evidence to demonstrate the equity comparables had similar physical attributes as the subject and similar market values as the subject but were being assessed disproportionately lower than the subject property. This, the appellant failed to do.

The Board further finds the board of review's analysis clearly demonstrates that the same methodology was used to assess the 52 units in the subject's complex. Sales data from unit sales within the complex was accumulated over approximately 33 months. During this time 18 units sold, representing approximately 36% of the percentage of ownership in the common elements of the complex, and each received a personal property allowance of \$2,500. The board then extended the adjusted sales figure by applying the total of the percentages of ownership of the units which sold, or 35.99623%, to conclude a total market value for the subject complex. The assessment for each unit was then based on the condominium unit's percentage of ownership in the common elements applied to the total market value for the complex. The Board finds nothing in the record to indicate the subject properties are inequitably assessed or overvalued for assessment purposes.

Counsel argued that in past years, the general reassessment of property in Palatine Township resulted in the subject's assessment being the highest for condominium type properties. The appellant's attorney argued that in each reassessment year, the Cook County Assessor or the Cook County Board of Review would recognize the historically high assessment of the subject properties and grant relief. The Board finds, however, that there is no evidence or documentation in the record to support this claim. Moreover, the general reassessment of the subject properties in previous years has no bearing on the subject's current assessment and does not suggest the subject's 2004 assessment is inequitable.

Finally, the appellant argued that the subject's average assessed value per unit should not exceed the average of the appellant's comparables' per unit assessment. The Board gives this argument

no weight. As previously stated, to demonstrate assessment inequity, the appellant needed to provide data showing that the subject property was being assessed substantially disproportionately greater in relation to its market value than were condominiums with similar market values. An adjustment to the subject's assessment would be made considering the comparables with the most similar market values and physical attributes not based on averages.

As a result of this analysis, the Property Tax Appeal Board finds the appellant has failed to demonstrate that the subject condominium units were inequitably assessed by clear and convincing evidence and no reduction is warranted.

<u>DOCKET NO.</u>	<u>PARCEL NO.</u>	<u>LAND</u>	<u>IMPR.</u>	<u>TOTAL</u>
04-23414.001-R-3	02-09-402-045-1001	\$1,882	\$15,787	\$17,669
04-23414.002-R-3	02-09-402-045-1002	\$2,013	\$16,886	\$18,899
04-23414.003-R-3	02-09-402-045-1003	\$2,763	\$23,175	\$25,938
04-23414.004-R-3	02-09-402-045-1004	\$1,882	\$15,787	\$17,669
04-23414.005-R-3	02-09-402-045-1005	\$2,013	\$16,886	\$18,899
04-23414.006-R-3	02-09-402-045-1006	\$1,882	\$15,787	\$17,669
04-23414.007-R-3	02-09-402-045-1007	\$2,013	\$16,886	\$18,899
04-23414.008-R-3	02-09-402-045-1008	\$2,614	\$21,932	\$24,546
04-23414.009-R-3	02-09-402-045-1009	\$2,763	\$23,175	\$25,938
04-23414.010-R-3	02-09-402-045-1010	\$1,882	\$15,787	\$17,669
04-23414.011-R-3	02-09-402-045-1011	\$2,013	\$16,886	\$18,899
04-23414.012-R-3	02-09-402-045-1012	\$1,882	\$15,787	\$17,669
04-23414.013-R-3	02-09-402-045-1013	\$2,013	\$16,886	\$18,899
04-23414.014-R-3	02-09-402-045-1014	\$2,614	\$21,932	\$24,546
04-23414.015-R-3	02-09-402-045-1015	\$2,763	\$23,175	\$25,938
04-23414.016-R-3	02-09-402-045-1016	\$1,882	\$15,787	\$17,669
04-23414.017-R-3	02-09-402-045-1017	\$2,013	\$16,886	\$18,899
04-23414.018-R-3	02-09-402-045-1018	\$1,882	\$15,787	\$17,669
04-23414.019-R-3	02-09-402-045-1019	\$2,013	\$16,886	\$18,899
04-23414.020-R-3	02-09-402-045-1020	\$2,614	\$21,932	\$24,546
04-23414.021-R-3	02-09-402-045-1021	\$2,763	\$23,175	\$25,938
04-23414.022-R-3	02-09-402-045-1022	\$1,882	\$15,787	\$17,669
04-23414.023-R-3	02-09-402-045-1023	\$2,013	\$16,886	\$18,899
04-23414.024-R-3	02-09-402-045-1024	\$3,895	\$32,675	\$36,570
04-23414.025-R-3	02-09-402-045-1025	\$2,614	\$21,932	\$24,546
04-23414.026-R-3	02-09-402-045-1026	\$2,763	\$23,175	\$25,938
04-23414.027-R-3	02-09-402-045-1027	\$1,882	\$15,787	\$17,669
04-23414.028-R-3	02-09-402-045-1028	\$2,013	\$16,886	\$18,899
04-23414.029-R-3	02-09-402-045-1029	\$1,882	\$15,787	\$17,669
04-23414.030-R-3	02-09-402-045-1030	\$2,013	\$16,886	\$18,899
04-23414.031-R-3	02-09-402-045-1031	\$2,614	\$21,932	\$24,546
04-23414.032-R-3	02-09-402-045-1032	\$2,763	\$23,175	\$25,938
04-23414.033-R-3	02-09-402-045-1033	\$1,882	\$15,787	\$17,669
04-23414.034-R-3	02-09-402-045-1034	\$2,013	\$16,886	\$18,899
04-23414.035-R-3	02-09-402-045-1035	\$1,882	\$15,787	\$17,669
04-23414.036-R-3	02-09-402-045-1036	\$2,013	\$16,886	\$18,899
04-23414.037-R-3	02-09-402-045-1037	\$2,614	\$21,932	\$24,546
04-23414.038-R-3	02-09-402-045-1038	\$2,763	\$23,175	\$25,938
04-23414.039-R-3	02-09-402-045-1039	\$1,882	\$15,787	\$17,669

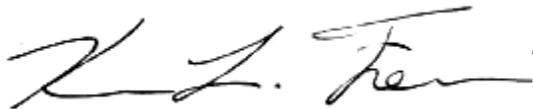
Docket No. 04-23414.001-R-3 through 04-23414.052-R-3

04-23414.040-R-3	02-09-402-045-1040	\$2,013	\$16,886	\$18,899
04-23414.041-R-3	02-09-402-045-1041	\$1,882	\$15,787	\$17,669
04-23414.042-R-3	02-09-402-045-1042	\$2,013	\$16,886	\$18,899
04-23414.043-R-3	02-09-402-045-1043	\$2,614	\$21,932	\$24,546
04-23414.044-R-3	02-09-402-045-1044	\$2,763	\$23,175	\$25,938
04-23414.045-R-3	02-09-402-045-1045	\$1,882	\$15,787	\$17,669
04-23414.046-R-3	02-09-402-045-1046	\$2,013	\$16,886	\$18,899
04-23414.047-R-3	02-09-402-045-1047	\$1,882	\$15,787	\$17,669
04-23414.048-R-3	02-09-402-045-1048	\$2,013	\$16,886	\$18,899
04-23414.049-R-3	02-09-402-045-1049	\$2,614	\$21,932	\$24,546
04-23414.050-R-3	02-09-402-045-1050	\$2,763	\$22,521	\$25,284
04-23414.051-R-3	02-09-402-045-1051	\$1,882	\$15,787	\$17,669
04-23414.052-R-3	02-09-402-045-1052	\$2,013	\$16,886	\$18,899

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.



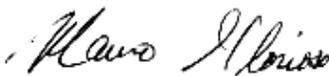
Chairman



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: June 19, 2009



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.