PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Bryon Barus
DOCKET NO.: 04-23419.001-I-2 & 04-23419.002-I-2
PARCEL NO.: 03-14-405-023-0000 & 03-14-405-024-0000

The parties of record before the Property Tax Appeal Board are Bryon Barus, the appellant, by attorney Michael J. Elliott of Elliott & Associates of Des Plaines the Cook County Board of Review.

The subject property consists of a 25-year-old, one-story, masonry, 58,146 square foot class 5-93 industrial building situated on 124,712 square feet of land located in Wheeling Township, Cook County.

The appellant and the appellant's counsel appeared before the PTAB and submitted evidence claiming unequal treatment in the assessment process as the basis of the appeal. In support of this argument, the appellant offered and testified to four suggested comparable industrial properties. Mr. Barus has been an Industrial Real Estate Broker for 20 years. He was quite knowledgeable of the four comparables and the local industrial market. He felt the County was "Sales Chasing" in regard to his recently purchased property in comparison to four properties he knows quite well.

The four suggested comparable properties consist of one-story class 5-93 properties of masonry construction and range in age from 25 to 28 years. The comparables range in size from 51,000 to 202,980 square feet with office space. The comparables have improvement assessments ranging from $320,110 to $644,781 or from $7.42 to $10.19 per square foot of building area. The appellant gave a professional and complete description of the subject and the comparables. The subject was purchased in August 2003 for $2,344,000 or $40.31 per square foot. Based on this evidence, the appellant requested a revised total assessment of $658,505.

The board of review submitted "Board of Review-Notes on Appeal" that disclosed the subject's total assessment of $846,948 which reflects a market value of $2,343,917 as factored by the Cook County Ordinance level of 36%. The board submitted evidence in support of its assessed valuation of the subject property. As

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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:

DOCKET NO.	PROPERTY NO.	LAND	IMPR.	TOTAL
04-23419.001-I-2	03-14-405-023	$ 28,728	$ 17,638	$ 46,366
04-23419.002-I-2	03-14-405-024	$112,916	$499,226	$612,142

Subject only to the State multiplier as applicable.

PTAB/TMcG. 8/08

evidence the board offered three sales of industrial buildings ranging in size from 68,872 to 72,000 square feet that occurred between February 2003 and November 2005 for prices ranging from $2,280,900 to $4,000,000 or from $34.63 to $55.56 per square foot of land and building. No analysis and adjustment of the sales data was provided by the board. Two of the sales are beyond the assessment date.

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

After reviewing the record and considering the evidence, the PTAB finds that it has jurisdiction over the parties and the subject matter of this appeal. 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 PTAB finds the appellant has overcome this burden.

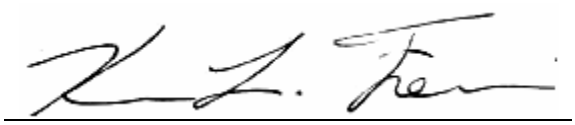
The PTAB finds the appellant's comparables are quite similar to the subject but with some differences indicating some better amenities. These properties have improvement assessments ranging from $7.42 to $10.19 per square foot of building area. The subject's per square foot total assessment of $12.05 is above this range of properties. After considering the recent sale and the differences in the suggested comparables when compared to the subject property, the PTAB finds the evidence submitted is sufficient to cause a change in the subject's assessment.

The PTAB gives less weight to the board's sales evidence because it lacks analysis and a supported conclusion of value and the appeal was based on inequity.

As a result of this analysis, the PTAB finds that the appellant has adequately demonstrated that the subject property was overvalued and that a reduction in the subject's assessment is 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



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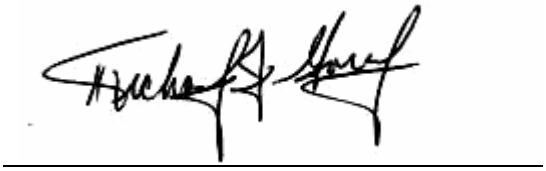

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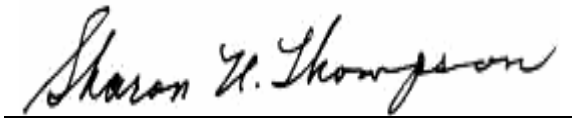

Member

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: August 29, 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.