PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Casey Newell
DOCKET NO.: 04-26244.001-R-1
PARCEL NO.: 05-20-408-002-0000

The parties of record before the Property Tax Appeal Board (PTAB) are Casey Newell, the appellant, by attorney Mitchell L. Klein of Schiller, Klein & McElroy, P.C., Chicago, and the Cook County Board of Review (board).

The subject property consists of a four-year-old, two-story, single-family dwelling of masonry construction containing 5,794 square feet of living area and located in New Trier Township, Cook County. Features of the residence include four and one-half bathrooms, a full-unfinished basement, air-conditioning, five fireplaces and a three-car attached garage.

The appellant, 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 appellant submitted assessment data and descriptive information on four properties suggested as comparable to the subject. The appellant also submitted a one-page brief and a copy of the board of review's decision. Based on the appellant's documents, the four suggested comparables consist of two-story, single-family dwellings of frame, stucco or masonry construction located within several blocks of the subject. The improvements range in size from 5,022 to 7,020 square feet of living area and range in age from 74 to 106 years. The comparables contain from two and one-half to four and one-half bathrooms, a finished or unfinished basement, from one to six fireplaces and a one-car or multi-car garage. Three comparables contain air-conditioning. The improvement assessments range from $19.90 to $21.16 per square foot of living area.

At hearing, the appellant's attorney asserted that the appellant's comparables are similar to the subject and should be considered as such by the PTAB. Based on the evidence submitted,

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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:	$ 42,305
IMPR.:	$ 152,140
TOTAL:	$ 194,445

Subject only to the State multiplier as applicable.

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the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's total assessment of $194,445. The subject's improvement assessment is $152,140 or $26.26 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, however, at the hearing, the board's representative withdrew the board's comparable four from consideration. Therefore, the three remaining comparables are improved with two-story, one or four-year-old, single-family dwellings of masonry or frame and masonry construction located within four blocks of the subject. The improvements range in size from 5,159 to 9,064 square feet of living area. The comparables contain from three and one-half to seven and one-half bathrooms, a full-finished basement, air-conditioning, from one to three fireplaces and a multi-car attached garage. The improvement assessments range from $26.26 to $50.65 per square foot of living area.

In rebuttal, the appellant's attorney highlighted various differences between the subject and the board of review's comparables.

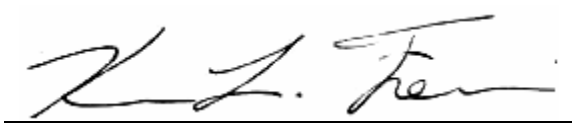
After hearing the testimony and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The appellant's argument was unequal treatment in the assessment process. The Illinois Supreme Court has held that taxpayers who 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 appellant has not overcome this burden.

Both parties submitted a total of seven properties similar to the subject in location and design but with many variations in living area, age and/or exterior construction. These seven properties have improvement assessments ranging from $19.90 to $50.65 per square foot of living area. The subject's per square foot improvement assessment of $26.26 falls within the range established by these properties. However, along with other differences, the Board finds four of the suggested comparables to be significantly smaller or larger in size of living area as compared to the subject. In addition, four of the comparables are inferior to the subject in exterior construction and four comparables differ greatly in age. After considering adjustments for size, age and construction, as well as other 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 properties contained in the record.

As a result of this analysis, the Property Tax Appeal Board finds the appellant has 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



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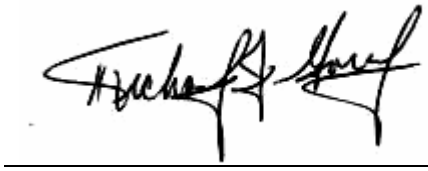

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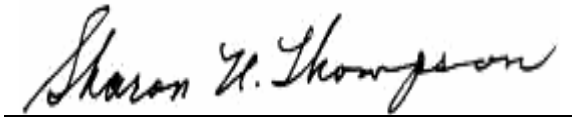

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Member

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 31, 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.