

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Tim Swabb
DOCKET NO.: 03-29911.001-R-1
 04-26301.001-R-1
 05-24743.001-R-1
PARCEL NO.: 13-04-219-030

The parties of record before the Property Tax Appeal Board (hereinafter PTAB) are Tim Swabb, the appellant, by attorney David C. Dunkin with the law firm of Arnstein & Lehr in Chicago and the Cook County Board of Review.

The subject property consists of a 5,250 square foot parcel of land containing a 56-year old, two-story, masonry, single-family dwelling. The improvement contains 1,642 square feet of living area, one and one-half baths, one fireplace and a full, unfinished basement. The appellant, via counsel, argued that there was unequal treatment in the assessment process of the improvement as the basis of this appeal.

At the hearing, the appellant requested, without objection, that the three appeals be consolidated. The PTAB finds that all three years are within the same triennial reassessment cycle and, therefore, these appeals are consolidated.

In support of the equity argument, the appellant submitted assessment data and descriptions of five properties suggested as comparable to the subject. Black and white and colored photographs of the subject property and the suggested comparables

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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:

<u>DOCKET #</u>	<u>PIN</u>	<u>LAND</u>	<u>IMPROVEMENT</u>	<u>TOTAL</u>
03-29911.001-R-1	13-04-219-030	\$5,712	\$31,198	\$36,910
04-26301.001-R-1	13-04-219-030	\$5,712	\$31,198	\$36,910
05-24743.001-R-1	13-04-219-030	\$5,712	\$31,198	\$36,910

Subject only to the State multiplier as applicable.

PTAB/0419JBV

and a Sidwell map of the subject's neighborhood were also submitted. The data in its entirety reflects that the properties are located within one block of the subject and are improved with a two-story, masonry, single-family dwelling with one and one-half baths. The improvements range: in age from 55 to 62 years; in size from 1,757 to 1,891 square feet of living area; and in improvement assessments from \$16.76 to \$18.38 per square foot of living area. The properties contain a full basement with three finished; Two properties contains air conditioning; and Four properties contain one or two fireplaces. Based upon this analysis, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's improvement assessment was \$31,822, or \$19.38 per square feet of living area. The board also submitted copies of the property characteristic printouts for the subject as well as a total of six suggested comparables located within two blocks of the subject. The board's properties contain a two-story, frame and masonry, single-family dwelling with one, one and one-half or two baths and a partial or full basement with three finished. The improvements range: in age from 61 to 66 years; in size from 1,433 to 1,906 square feet of living area; and in improvement assessments from \$17.00 to \$21.34 per square foot of living area. The properties also contain one or two fireplaces and, for five properties, air conditioning. As a result of its analysis, the board requested confirmation of the subject's assessment.

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

Appellants 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, 544 N.E.2d 762 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. Proof of assessment inequity should include assessment data and documentation establishing the physical, locational, and jurisdictional similarities of the suggested comparables to the subject property. *Property Tax Appeal Board Rule 1910.65(b)*. Mathematical equality in the assessment process is not required. A practical uniformity, rather than an absolute one is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395, 169 N.E.2d 769 (1960). Having considered the evidence presented, the PTAB concludes that the appellant has met this burden and that a reduction is warranted.

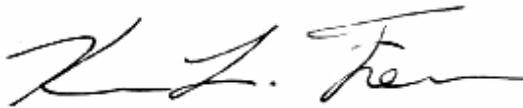
The parties presented assessment data on a total of 11 equity comparables. The PTAB finds the appellant's comparables #2 and #4 and the board of review's comparables #5 and #6 are the most similar to the subject. These four comparables contain a two-story, masonry or frame and masonry, single-family dwelling located within two blocks of the subject. The improvements range: in age from 61 to 66 years; in size from 1,568 to 1,794 square feet of living area; and in improvement assessments from \$18.03 to \$19.19 per square foot of living area. In comparison, the subject's improvement assessment of \$19.38 per square foot of living area falls above the range established by these comparables. The PTAB accorded less weight to the remaining comparables due to a disparity in size.

As a result of this analysis, the PTAB further finds that the appellant has adequately demonstrated that the subject's improvement was inequitably assessed by clear and convincing evidence and that a reduction is warranted.

This is a final administrative decision of the Property Tax Appeal Board are 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: September 28, 2007



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

Docket No. 03-29911.001-R-1, 04-26301.001-R-1, 05-24743.001-R-1

"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.