

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Hebe Forgione
DOCKET NO.: 04-26370.001-R-1
PARCEL NO.: 05-33-100-061-0000

The parties of record before the Property Tax Appeal Board (PTAB) are Hebe Forgione, the appellant, by attorney Melissa K. Whitley of Marino & Associates in Chicago, and the Cook County Board of Review (board).

The subject property consists of a 48-year-old, one-story, single-family dwelling of masonry construction containing 1,874 square feet of living area and located in New Trier Township, Cook County. Features of the residence include two full bathrooms, a full-finished basement, air-conditioning, a fireplace and a one-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, photographs of the subject and the suggested comparables as well as a copy of the board of review's decision. Based on the appellant's documents, the four suggested comparables consist of one-story, single-family dwellings of frame, masonry or frame and masonry construction located within four blocks of the subject. The improvements range in size from 1,847 to 2,205 square feet of living area and range in age from 80 to 124 years. The comparables contain one or two full bathrooms, a finished or unfinished basement and a two-car garage. Three comparables have a fireplace. The improvement assessments range from \$8.00 to \$16.75 per square foot of living area.

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

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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:

LAND: \$ 17,302
IMPR.: \$ 34,160
TOTAL: \$ 51,462

Subject only to the State multiplier as applicable.

PTAB/rfd6305

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 \$54,782. The subject's improvement assessment is \$37,480 or \$20.00 per square foot of living area. In support of the assessment the board submitted property characteristic printouts and descriptive data on two properties suggested as comparable to the subject. The suggested comparables are improved with one-story, 25 or 50-year-old, single-family dwellings of masonry or frame and masonry construction located within the same survey block as the subject. The improvements contain 2,065 and 2,211 square feet of living area. The comparables contain two and one-half bathrooms, a full-unfinished basement and a two-car garage. One comparable has air-conditioning. The improvement assessments are \$23.56 and \$23.97 per square foot of living area, respectively.

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.

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 overcome this burden.

At hearing, the appellant's attorney presented evidence that the subject received an improvement reduction in 2005 from the Assessor's office. The non-triennial 2005 correction reduced the subject's improvement assessment from \$37,480 to \$34,160.

"A substantial reduction in the subsequent year's assessment is indicative of the validity of the prior year's assessment. Hoyne Savings & Loan Assoc. v. Hare, 60 Ill.2d 84, 90, 322 N.E.2d 833, 836 (1974); 400 Condominium Assoc. v. Tully, 79 Ill.App.3d 686, 690, 398 N.E.2d 951, 954 (1st Dist. 1979)." Therefore, the Board finds that based on the Assessor's 2005 non-triennial assessment correction it is appropriate to reduce the appellant's 2004 improvement assessment to \$34,160.

As a final point, the PTAB finds no further reduction based on the appellant's inequity argument 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.



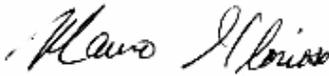
Chairman



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.