PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Martin Schlatter
DOCKET NO.: 04-26453.001-R-1 and 04-26453.002-R-1
PARCEL NO.: See below

The parties of record before the Property Tax Appeal Board (PTAB) are Martin Schlatter, 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 58-year-old, two-story, single-family dwelling of frame construction containing 2,165 square feet of living area with two full bathrooms and a fireplace and prorated over two tax parcels. The subject is built on slab and located in New Trier Township, Cook County.

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 three properties suggested as comparable to the subject. The appellant also submitted a one-page brief, a copy of a plat map and a copy of the board of review's decision. Based on the appellant's documents, the three suggested comparables consist of two-story, single-family dwellings of frame or frame and masonry construction located within two blocks of the subject. The improvements range in size from 2,485 to 2,952 square feet of living area and range in age from 54 to 58 years. The comparables contain two and one-half bathrooms, a finished or unfinished basement, air-conditioning, a fireplace and a one-car or two-car garage. The improvement assessments range from $19.87 to $24.36 per square foot of living area. The appellant's evidence disclosed that the subject sold in January 2003 for a price of $995,000.
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 Property Tax Appeal Board. Based on

(Continued on Next Page)

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.	Parcel No.	Land	Imprv.	Total
04-26453.001-R-1	05-18-212-014-0000	$9,156	$50,011	$59,167
04-26453.002-R-1	05-18-212-037-0000	$3,662	$21,433	$25,095

Subject only to the State multiplier as applicable.

PTAB/rfd6140

the evidence submitted, 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 combined assessment of $103,235. The subject's improvement assessment is $90,417 or $41.77 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. The suggested comparables are improved with two-story, four-year-old, single-family dwellings of frame construction located within two blocks of the subject. The improvements range in size from 2,724 to 3,148 square feet of living area. The comparables contain two and one-half or three and one-half bathrooms, a full-unfinished basement, air-conditioning, one or two fireplaces and a one-car or two-car garage. The improvement assessments range from $43.07 to $45.77 per square foot of living area. The board's evidence disclosed that the subject was purchased in January 2003 for a price of $995,000.

At hearing, the board's representative stated that the subject's assessed valuation is in line with the January 2003 purchase price of $995,000 and 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.

The Board finds the appellant's comparables to be the most similar overall properties to the subject in the record. These three properties are similar to the subject in design, age and location. However, they are superior in improvement size and amenities as compared to the subject with improvement assessments ranging from $19.87 to $24.36 per square foot of living area. The subject's per square foot improvement assessment of $41.77 falls above the range established by these properties. The board's comparables are accorded less weight because they are only four years old, whereas, the subject is 58 years in age. After considering adjustments, as well as the differences in both parties' suggested comparables when compared to the subject, the Board finds the subject's per square foot improvement assessment

is not supported by the most similar properties contained in the record.

As a result of this analysis, the Property Tax Appeal Board finds the appellant has adequately demonstrated that the subject dwelling was inequitably assessed by clear and convincing evidence and a reduction 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: 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.