

AMENDED DECISION
PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Joseph and Mary Obrochta
DOCKET NO.: 04-27031.001-R-1
PARCEL NO.: 06-27-103-024

The parties of record before the Property Tax Appeal Board (hereinafter PTAB) are Joseph and Mary Obrochta, the appellants, by attorney Donald Rubin with the law firm of Rubin & Norris in Chicago and the Cook County Board of Review.

The subject property consists of a 10,354 square foot parcel of land containing a four-year old, two-story, frame, single-family dwelling. The improvement contains two and one-half baths, air conditioning 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.

In support of the equity argument, the appellants claimed the square feet of living area as listed by the assessor is incorrect. The appellants submitted copies of the floor plans and the plat of survey for the subject property. In addition, the appellants submitted black and white photographs of the subject showing vaulted ceilings. The appellants contend that, from measuring the subject and from some areas of the dwelling having vaulted ceilings, the subject contains approximately 2,100 square feet of living area.

The appellants also submitted assessment data and descriptions of four properties suggested as comparable to the subject. Black

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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:	\$ 9,111
IMPR.:	\$25,021
TOTAL:	\$34,132

Subject only to the State multiplier as applicable.

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and white photographs of the subject property and the suggested comparables and a brief from the appellant's attorney 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, frame, single-family dwelling with two and one-half baths, air conditioning, a full, unfinished basement, and, for three properties, a fireplace. The improvements range: in age from four to 16 years; in size from 2,223 to 2,880 square feet of living area; and in improvement assessment from \$9.87 to \$10.32 per square foot of living area. Based upon this analysis, the appellants 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 \$28,244, or \$10.45 per square foot of living area using 2,704 square feet of living area. The board also submitted copies of the property characteristic printouts for the subject as well as four suggested comparables located within the subject's neighborhood. The board's properties contain a two-story, frame, single-family dwelling with two and one-half baths, air conditioning, a full, unfinished basement, and, for two properties, one fireplace. The improvements are all four-years old and range in size from 2,351 to 2,608 square feet of living area and in improvement assessments from \$10.76 to \$11.73 per square foot of living area. As a result of its analysis, the board requested confirmation of the subject's assessment.

After considering the evidence and reviewing the record, 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 appellants have met this burden and that a reduction is warranted.

The PTAB takes notice that the 2005 decision on this appeal was rendered on June 26, 2007, prior to this decision. In this decision, the appellant's also contend that the square feet of living area is inaccurately reflected by the assessor's office. The appellants informed the PTAB that the Cook County Assessor's Office adjusted the subject property's square feet of living area to 2,289 square feet. The PTAB found that this figure is the proper square footage of the subject. In the instant appeal, the PTAB finds that the subject property contains 2,289 square feet of living area as noted in the 2005 decision.

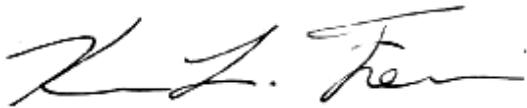
The parties presented assessment data on a total of eight equity comparables. The PTAB finds all the comparables are similar to the subject. These comparables contain a two-story, frame, single-family dwelling. The improvements range in age from four to 16 years; in size from 2,223 to 2,880 square feet of living area; and in improvement assessments from \$9.87 to \$11.73 per square foot of living area. In comparison, the subject's improvement assessment of \$12.33 per square foot of living area falls above the range established by these comparables.

As a result of this analysis, the PTAB further finds that the appellants have 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 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: May 8, 2008



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

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

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"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.