

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Carol McNeely
DOCKET NO.: 04-27102.001-R-1
PARCEL NO.: 17-22-304-054

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

The subject property consists of a 1,120 square foot parcel of land improved with a one-year old, three-story, masonry, single-family dwelling containing 2,265 square feet of living area, two baths, a fireplace, air conditioning, and a partial, unfinished basement. The appellant, via counsel, argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant submitted an appeal stating the subject sold June 23, 2003 for \$600,000; a copy of the warranty deed; and a real estate database printout showing the sale. The documentation indicates the property was not transferred between related parties, involved a realtor, was advertised for sale, and that the mortgage was not assumed by the purchaser. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

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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: \$ 2,150
IMPR.: \$57,790
TOTAL: \$59,940

Subject only to the State multiplier as applicable.

PTAB/JBV

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$61,799. This assessment reflects a market value of \$386,244 using the level of assessment of 16% for Class 2 property as contained in the Cook County Real Property Assessment Classification Ordinance. The board also submitted descriptions and assessment information on a total of four properties suggested as comparable and located on the subject's block. The properties consist of three-story, masonry, single-family dwellings with two baths, air conditioning, a fireplace, and, for two properties, a partial unfinished basement. The properties are one year old, contain between 2,264 and 2,279 square feet of living area, and have improvement assessments of \$26.35 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's attorney submitted a letter arguing that the board of review did not submit any market value evidence.

At hearing, in response to questions, the appellant's attorney acknowledged that the warranty deed indicated two parcel identification numbers (PIN) and that the appeal indicated a separate PIN. He stated that the two PINs were for the developer's reference and that the PIN as it is appealed is the correct PIN for the subject and the complete property that was purchased by the appellant on June 23, 2003.

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.

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code 1910.65(c). Having considered the evidence presented, the PTAB concludes that the evidence indicates a reduction is warranted.

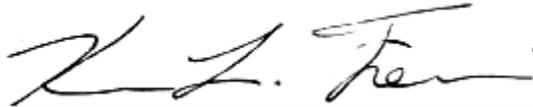
In determining the fair market value of the subject property, the PTAB finds the best evidence to be the sale of the subject property on June 23, 2003 for \$600,000. The PTAB finds this sale was not between related parties, was advertised in the market, and was an arm's length transaction. The PTAB gives no weight to the board of review's evidence as it does not address the subject's market value.

Therefore, the PTAB finds that the subject property contained a market value of \$600,000 for the 2004 assessment year. Since the market value of the subject has been established, the Department of Revenue median level of assessments for Cook County Class 2 property of 9.99% will apply. In applying this level of assessment to the subject, the total assessed value is \$59,940 while the subject's current total assessed value is above this amount. Therefore, the PTAB finds 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.



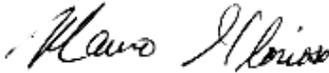
Chairman



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: June 19, 2009



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.