

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Ed Del Hierro
DOCKET NO.: 04-27784.001-R-1
PARCEL NO.: 14-32-112-017-0000
TOWNSHIP: North

The parties of record before the Property Tax Appeal Board (PTAB) are Ed Del Hierro, the appellant, by attorney Michael Baccash of Sarnoff & Baccash of Chicago and the Cook County Board of Review (board).

The subject property consists of a one-year-old, three-story single-family dwelling of masonry construction containing 3,930 square feet of living area and located in North Township, Cook County. The residence contains four and one-half bathrooms, a full basement, air conditioning, fireplaces and a two-car garage.

The appellant appeared before the PTAB and through counsel submitted evidence before the PTAB claiming unequal treatment in the assessment process as the basis of the appeal. In support of this argument, the appellant offered 21 suggested comparable properties located within four blocks of the subject. These properties consist of two or three-story single-family dwellings of masonry or frame and masonry construction and range in age from one to 14 years. The comparables have two to five bathrooms with half-baths and 17 with full or partial basements. All homes are air-conditioned and all but one has a two or three-car garage. The comparables contain between 3,494 and 4,889 square feet of living area and have improvement assessments ranging from \$77,329 to \$104,820 or from \$16.11 to \$30.00 per square foot of living area. The appellant testified that his basement is finished. He testified he is knowledgeable of his neighborhood and claimed that his first four comparables are the most similar to his property. The appellant also testified that he purchased the property on April 1, 2004 for \$1,950,000. Based on this evidence, the appellant requested a reduction in the subject's assessment.

(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:

LAND: \$ 11,450
IMPR. \$112,550
TOTAL: \$124,000

Subject only to the State multiplier as applicable.

PTAB/TMcG.

The board submitted its "Board of Review Notes on Appeal" wherein the subject's final improvement assessment of \$183,550, or \$46.70 per square foot of living area, was disclosed. In support of the subject's assessment, the board offered three suggested comparable properties located within two blocks of the subject. The comparables consist of three-story single-family dwellings of masonry construction and range in age from one to four years. The comparables contain three bathrooms with half-baths, full basements of which two are finished; all have air conditioning, two have fireplaces and all have two-car garages. The comparables range in size from 3,432 to 3,816 square feet of living area and have improvement assessments of between \$183,493 and \$204,706 or from \$48.41 to \$54.57 per square foot of living area. The board disclosed that the subject was purchased in 2004 for \$1,950,000. The board also disclosed that the appellant's comparable six sold in 2003 for \$2,150,000 with a 2004 total assessment of \$113,355; comparable #13 sold for \$1,450,000 while assessed at \$116,240; comparable #14 sold for \$1,475,000; and comparable #21 sold for \$2,025,000 while assessed at \$93,705. Based on this evidence, the board requested confirmation of the subject property's assessment.

In rebuttal, the appellant disclosed that the board's comparables one and three are class 2-78 buildings while the subject is a class 2-08 property.

After hearing the testimony and considering the evidence, the PTAB finds that it has jurisdiction over the parties and the subject matter of this appeal. 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 PTAB finds the appellant has overcome this burden.

The PTAB finds the appellant's comparables one through three, five through seven, nine, eleven, nineteen and twenty-one and the board's comparable two are the comparables most similar to the subject. These properties have improvement assessments ranging from \$18.86 to \$48.41 per square foot of living area. The subject's per square foot improvement assessment of \$46.70 is within this range of properties. The PTAB affords less weight to the board's comparables one and three because they are less similar to the subject in classification. The PTAB also finds the appellant submitted 21 class 2-08 properties while the board offered one class 2-08 property that leads the PTAB to believe the board's comparable two is overassessed and thus gives less weight to the board's comparable two. The PTAB gives deliberate

consideration to the subject's sale price and the sale prices of the appellant's comparables six, thirteen, fourteen and twenty-one with sales ratios ranging from 4.6% to 8.00% that are assessed well below the County's Ordinance level of 16%. The subject's sale ratio is 10%. After considering the sales data, adjustments and the differences in the suggested comparables when compared to the subject property, the PTAB finds the subject's per square foot improvement assessment is not supported by the properties contained in the record.

As a result of this analysis, the Property Tax Appeal Board finds the appellant 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 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:

"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.