

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: George Hoitis
DOCKET NO.: 05-00548.001-I-3
PARCEL NO.: 19-09-10-201-087

The parties of record before the Property Tax Appeal Board are George Hoitis, the appellant, by attorney George Relias of Fisk Kart Katz & Regan, Ltd., in Chicago, and the Will County Board of Review.

The subject property is improved with a one-story industrial building containing 27,050 square feet of building area. The building was constructed in 2001 and is located on a 65,490 square foot site in Mokena, Frankfort Township, Will County.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation, and additionally, that the subject's improvements are inequitably assessed. In support of the overvaluation argument the appellant submitted an appraisal estimating the subject property had a market value of \$1,800,000 as of February 15, 2005. The appellant submitted the final decision issued by the Will County Board of Review establishing a total assessment for the subject of 1,043,353, which reflects a market value of approximately \$3,137,904 using the 2005 Will County three-year median level of assessments of 33.25%. Regarding the improvement inequity contention, the appellant submitted three comparable properties with improvement assessments ranging from \$13.36 to \$19.99 per square feet of building area. The subject has an improvement assessment of \$35.85 per square feet of building area. Based on this evidence the appellant requested the subject's assessment be reduced to reflect the subject's appraised value.

The board of review did not submit its "Board of Review Notes on Appeal" or any evidence in support of its assessed valuation of the subject property.

After reviewing the record 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 Board further

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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 Will County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$	73,500
IMPR.:	\$	526,500
TOTAL:	\$	600,000

Subject only to the State multiplier as applicable.

finds the evidence in the record supports a reduction in the subject's assessment.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved 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). The appellant also argued unequal treatment in the assessment process as the basis of the 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 evidence, the Board finds the appellant has overcome these burdens of proof and a reduction in the subject's assessment is warranted.

The appellant in this appeal submitted an appraisal estimating the subject property had a market value of \$1,800,000 as of February 15, 2005. The appellant also submitted three equity comparables to demonstrate the subject's improvements were inequitably assessed. The subject's assessment reflects a market value greater than the appraised value presented by the appellant. The board of review did not submit any evidence in support of its assessment of the subject property or to refute the appellant's argument as required by Section 1910.40(a) of the rules of the Property Tax Appeal Board and is found to be in default pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. After reviewing the evidence, the Board finds a reduction is warranted.

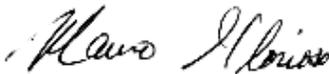
This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member

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: February 20, 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.