

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Thomas Weaver
DOCKET NO.: 05-22427.001-C-1
PARCEL NO.: 16-08-123-028-0000

The parties of record before the Property Tax Appeal Board (PTAB) are Thomas Weaver, the appellant; and the Cook County Board of Review (board).

The subject property consists of an 89-year-old, three-story, thirty-one-unit apartment building of masonry construction and located in Oak Park Township, Cook County. The appellant indicated the subject contained 26,128 square feet of building area but did not provide evidence to support this claim. The Assessor indicated 25,128 square feet of building area and provided a copy of the subject's 4905 buff card as evidence of building area. The PTAB finds the best evidence of building area is the Assessor's official records.

The appellant 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 five suggested comparable apartment properties located within five blocks of the subject. These properties consist of three-story apartment buildings of masonry construction and range in age from 80 to 101 years. The apartment buildings contain between 31 and 44 units. The comparables contain between 28,721 and 43,208 square feet of building area and have total assessments ranging from \$229,250 to \$310,599 or from \$6.19 to \$8.63 per square foot of building area. The subject's total assessment is \$332,124 or \$13.22 per square foot of building area. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted "Board of Review-Notes on Appeal" that disclosed the subject's total assessment of \$332,124 which reflects a market value of \$1,383,850 as factored by the Cook County Ordinance level of 24%. The board described the building as containing 25,128 square feet of building area. The board submitted sales evidence of six properties in support of its assessed valuation of the subject property. As evidence the board offered five sales of apartment buildings ranging in size

(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: \$ 36,566
IMPR.: \$244,461
TOTAL: \$281,027

Subject only to the State multiplier as applicable.

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from 21,700 to 29,650 square feet for prices ranging from \$2,160,000 to \$4,150,000 or from \$51,234 to \$131,578 per dwelling unit. No analysis and adjustment of the sales data was provided by the board. Based on this evidence, the board of review requested confirmation of the subject property's assessment.

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 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.

A 2008 Assessor's assessment printing submitted into evidence disclosed a 2007 assessment reduction by the County from \$332,124 to \$281,027.

"A substantial reduction in the subsequent year's assessment is indicative of the validity of the prior year's assessment. Hoyne Savings & Loan Assoc. v. Hare, 60 Ill.2d 84, 90, 322 N.E.2d 833, 836 (1974); 400 Condominium Assoc. v. Tully, 79 Ill.App.3d 686, 690, 398 N.E.2d 951, 954 (1st Dist. 1979)." Therefore, the Board finds that based on the assessor's 2007 non-triennial assessment correction it is appropriate to reduce the appellant's 2005 total assessment to \$281,027.

The PTAB gives less weight to the board's sales evidence because it lacks analysis and a supported conclusion of value. In addition the appeal is an equity appeal.

As a result of this analysis, the PTAB finds the appellant did adequately demonstrate that the subject apartment building 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.



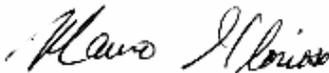
Chairman



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: January 23, 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.