



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Fountainwood Realty Co., LLC
DOCKET NO.: 05-23257.001-R-1
PARCEL NO.: 04-17-114-002-0000

The parties of record before the Property Tax Appeal Board are Fountainwood Realty Co., LLC, the appellant(s), by attorney Mitchell L. Klein, of Schiller Klein PC of Chicago; and the Cook County Board of Review.

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: \$10,692
IMPR.: \$34,152
TOTAL: \$44,844

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 12,150 square foot parcel of land improved with a 37 year-old, two-story, frame and masonry, single-family dwelling containing 2,449 square feet of living area, two and one-half baths, a fireplace 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 a copy of the real estate sales contract for the sale of the subject on June 1, 2003 for \$459,000 and a copy of the closing statement. The closing statement also indicates the subject sold on June 1, 2003 for \$459,000. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$51,736. This assessment reflects a market value of \$323,350 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 a grid analysis listing characteristics and assessment data for four properties suggested as comparable to the subject. These properties are two-story, frame and masonry, single family dwellings containing two and one-half baths, a partial unfinished basement, air conditioning, and, for three properties, a fireplace. The properties range: in age from 36 to 38 years; in size from 2,155 to 2,468 square feet of living area; and in improvement assessment from \$17.01 to \$19.26 per square foot of living area. The board's grid also references the sale of the subject in 2003 for \$459,000. As a result of its analysis, the board requested confirmation of the subject's assessment. 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.

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 1, 2003 for \$459,000. The PTAB gives little weight to the board of review's suggested comparables as no market value information was submitted. In addition, the PTAB finds the board of review supported the sale of the subject in June 2003 for \$459,000 by noting this sale in their evidence.

Therefore, the PTAB finds that the subject property contained a market value of \$459,000 for the 2005 assessment year. Since the market value of the subject has been established, the Department of Revenue three year median level of assessment for Cook County Class 2 property of 9.77% will apply. In applying this level of assessment to the subject, the total assessed value is \$44,844 while the subject's current total assessed value is above this amount. Therefore, the PTAB finds that a reduction is warranted.

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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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

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 23, 2010

Allen Castrovillari

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.