

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Mladen & Yordanka Milasincic
DOCKET NO.: 05-23310.001-R-1
PARCEL NO.: 04-28-102-051

The parties of record before the Property Tax Appeal Board are Mladen & Yordanka Milasincic, the appellants, 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 10,000 square foot parcel of land improved with a 12-year old, one-story, frame and masonry, single-family dwelling containing two and one-half baths, air conditioning, a fireplace, and a full, unfinished basement. The appellants argued unequal treatment in the assessment process as the basis of the appeal.

The appellants first argued that the square feet of living area as listed by the board of review is incorrect. The appellants contend the subject property contains 2,505 square feet of living area and presented the builder's floor plan as well as unreadable copy of a portion of a plat of survey as evidence of the size of the subject.

As to the equity argument, the appellants, via counsel, submitted information on a total of three properties suggested as comparable and located on the same block as the subject. The properties are described as one-story, frame, masonry or masonry and frame, single-family dwellings with two and one-half baths, a fireplace, a partial or full, unfinished basement, and, for two properties, air conditioning. The properties range: in age from 12 to 33 years; in size from 2,411 to 3,481 square feet of living area; and in improvement assessments from \$15.80 to \$16.92 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's improvement assessment of \$46,188 or \$18.05 per square foot of living area using 2,559 square feet was disclosed. In support of the subject's assessment, the board of review presented descriptions and assessment information on a

(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:	\$	11,200
IMPR.:	\$	42,224
TOTAL:	\$	53,424

Subject only to the State multiplier as applicable.

PTAB/JBV

total of three properties suggested as comparable and located on the subject's block. The properties consist of one-story, frame or masonry, single-family dwellings with two and one-half baths, a fireplace, a partial or full, unfinished basement, and, for two properties, air conditioning. The properties range: in age from 12 to 33 years; in size from 2,411 to 3,481 square feet of living area; and in improvement assessments from \$15.80 to \$16.92 per square foot of living area. These suggested comparables are the same properties as those submitted by the appellants in their evidence. The grid also notes the subject sold in November 2003 for \$630,000. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant's attorney acknowledged that the square footage of the subject property was corrected by the board of review prior to the submission of their evidence. He accepted that the subject's square feet of living area at 2,559.

The board of review's representative, Tom Mahoney, testified that the assessment is at market value based on the purchase price of \$360,000 in November 2003.

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 finds a reduction in the subject's assessment is warranted.

The appellant contends unequal treatment in the subject's improvement assessment as the basis of the appeal. 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). After an analysis of the assessment data, the Board finds the appellants have met this burden.

As to the appellants' square footage argument, the appellants' attorney acknowledged that the board of review addressed the square footage argument prior to their submission of evidence and accepts the evidence as correct. Therefore, the PTAB finds the subject's square feet of living area is 2,559 as listed by the county.

As to the equity argument, the parties submitted a total of three properties suggested as comparable to the subject. The PTAB finds the all the comparables similar to the subject in design, size, age and location. These properties are frame, masonry or frame and masonry, one-story, single-family dwellings located on the same block as the subject. The properties range: in age from 12 to 33 years; in size from 2,411 to 3,481 square feet of living area and in improvement assessments from \$15.80 to \$16.92 per square foot of living area. In comparison, the subject's improvement assessment of \$18.05 per square foot of living area is above this range. After considering adjustments and the

differences in both parties' comparables when compared to the subject, the Board finds the subject's per square foot improvement assessment is not supported and a reduction in the subject's assessment is warranted.

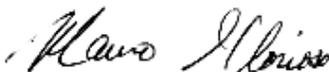
This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



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: August 24, 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.