FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Timothy Cawley
DOCKET NO.: 05-25211.001-R-2
PARCEL NO.: 05-17-410-013-0000

The parties of record before the Property Tax Appeal Board are Timothy Cawley, the appellant(s); Mitchell Klein of Schiller Klein & McElroy 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:	$39,846
IMPR.:	$115,090
TOTAL:	$154,936

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 28,462 square foot parcel of land improved with a 67-year old, two-story, masonry, single-family dwelling containing 4,558 square feet of living area, two and one-half baths, air conditioning, two fireplaces, and a partial, unfinished basement. The appellant argued unequal treatment in the assessment process as the basis of the appeal.

In support of the equity argument, the appellant, via counsel, submitted information on a total of 16 properties suggested as comparable and located within one mile of the subject. The properties are described as two-story, frame, stucco, masonry or frame and masonry, single-family dwellings with between three and five and four-half baths, one, two or three fireplaces, a full or partial basement, and, for 10 properties, air conditioning. The properties range: in age from 74 to 113 years; in size from 4,015 to 4,857 square feet of living area; and in improvement assessments from $19.32 to $25.01 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 $240,244 or $52.70 per square foot of living area was disclosed. In support of the subject's assessment, the board of review submitted the property characteristic printout for the subject property. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's attorney submitted a letter arguing that the board of review did not address the appellant's equity argument.

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 appellant has met this burden.

The appellant submitted a total of 16 properties suggested as comparable to the subject. The PTAB finds the appellant's comparables #1, #5, #13, #14 and #15 are the most similar to the subject in design, size, exterior construction, and age. These properties are masonry or frame and masonry, two-story, single-family dwellings located within one mile of the subject. The properties range: in age from 74 to 101 years; in size from 4,015 to 4,788 square feet of living area and in improvement assessments from $19.32 to $24.92 per square foot of living area. In comparison, the subject's improvement assessment of $52.71 per square foot of living area is above the range of comparables. The PTAB notes that the subject property has a superior construction when compared to the comparables and the assessment should reflect this. 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: October 28, 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.