PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Steven Benning
DOCKET NO.: 05-25509.001-R-1
PARCEL NO.: 04-08-411-010-0000

The parties of record before the Property Tax Appeal Board are Steven Benning, the appellant, by attorney Gary Smith, Chicago, Illinois; and the Cook County Board of Review.

The subject property is improved with a 41-year old, residential dwelling of frame construction containing 1,767 square feet of living area with a partial basement.

The appellant's appeal is based on unequal treatment in the assessment process. The appellant submitted information on six comparable properties described as residential, frame or frame and masonry, residential dwellings that range in age from 40 to 41 years old for consideration. These properties are all located in the same area as the subject. The comparables range in size from 1,311 to 1,786 square feet of living area and have improvement assessments ranging from $14.39 to $15.59 per square foot of living area. The subject's improvement assessment is $16.63 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 final assessment was disclosed. The board of review presented descriptions and assessment information on three comparable properties consisting of residential dwellings of frame or masonry construction that range in age from 36 to 47 years old. These properties are located in the same area as the subject and within one-half mile of the subject. The dwellings range in size from 1,767 to 1,774 square feet of living area and have improvement assessments ranging from $17.04 to $20.04 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds ***no change*** 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: $ 12,281
IMPR.: $ 29,390
TOTAL: $ 41,671

Subject only to the State multiplier as applicable.

PTAB/mmg/05-25509/08-08

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 not 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 not met this burden.

The Board finds the comparables submitted by the appellant as comparable number three and the board of review as comparables one and two were most similar to the subject in size, design, exterior construction, or age. Due to their similarities to the subject, these comparables received equal weight in the Board's analysis. These comparables had improvement assessments that ranged from $15.10 to $17.26 per square foot of living area. The subject's improvement assessment of $16.63 per square foot of living area is within 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 supported and a reduction in the subject's assessment is not 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 29, 2008

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.