

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: James Mihlbauer  
DOCKET NO.: 05-25910.001-R-1  
PARCEL NO.: 08-23-200-028-0000

The parties of record before the Property Tax Appeal Board (PTAB) are James Mihlbauer, the appellant, by attorney Thomas M. Battista of Rock, Fusco & Associates, LLC of Chicago and the Cook County Board of Review (board).

The subject property containing 8,696 square feet of land consists of a 31-year-old, two-story, six-unit apartment building of masonry construction containing 4,050 square feet of building area and located in Elk Grove Township, Cook County. The apartment property includes six bathrooms and basement apartments.

The appellant, through counsel, 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 three suggested comparable properties with between 2,310 and 2,570 square feet of land and located within one block of the subject. These properties consist of two-story apartment buildings of masonry construction and are 27 years old. The comparables include six bathrooms and basement apartments. The comparables contain six units and no garages. The comparables contain 4,050 square feet of building area and have improvement assessments ranging from \$40,097 to \$43,372 or from \$9.90 to \$10.71 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final improvement assessment of \$46,475, or \$11.48 per square foot of living area, was disclosed. In support of the subject's assessment, the board of review offered three suggested comparable properties containing between 8,591 and 8,952 square feet of land and located within the same block as the subject. The comparables consist of two-story, six-

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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: \$ 7,652  
IMPR. \$46,475  
TOTAL: \$54,127

Subject only to the State multiplier as applicable.

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unit buildings of masonry construction. The comparables are 31 years old and have basement apartments. They have six bathrooms and no garages. The comparable properties contain 4,050 square feet of building area with improvement assessments ranging from \$46,487 to \$47,917 or from \$11.48 to \$11.83 per square foot of living area. 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 failed to overcome this burden.

The PTAB finds the board's three comparables are the comparables most similar to the subject. These properties have improvement assessments ranging from \$11.48 to \$11.83 per square foot of living area. The subject's per square foot improvement assessment of \$11.48 is within this range of properties. The PTAB gives less weight to the appellant's comparables because they are less similar to the subject in land area and thus have less influence. The appellant's comparables have lots substantially smaller than the subject. The appellant's comparables do not allow for parking areas. After considering the differences in both parties' suggested comparables when compared to the subject property, the PTAB finds the evidence is insufficient to effect a change in the subject's assessment.

As a result of this analysis, the PTAB finds the appellant did not adequately demonstrate that the subject apartment building was inequitably assessed by clear and convincing evidence and a reduction 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: May 30, 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.