



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

APPELLANT: Diane Martin
DOCKET NO.: 05-25915.001-R-1
PARCEL NO.: 32-20-400-043-0000

The parties of record before the Property Tax Appeal Board are Diane Martin, the appellant(s), by attorney Howard W. Melton, of Howard W. Melton and Associates 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: \$ 5,284
IMPR.: \$ 3,988
TOTAL: \$ 9,272

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 12,010 square foot parcel improved with two dwellings. Improvement No. 1 is a 40-year old one-story masonry constructed dwelling. The dwelling contains 400 square feet of living area. Improvement No. 2 is a 40 year old one and one-half story masonry constructed dwelling with a full basement containing 1,088 square feet of living area.

The appellant, through counsel, submitted evidence before the Property Tax Appeal Board that the subject's market value is not accurately reflected in its assessment and unequal treatment in the assessment process.

In support of the market value argument, the appellant offered a settlement statement for the subject's September 2005 sale for a price of \$94,900.

In support of the inequity argument, the appellant submitted information on four comparable properties located on the same street as the subject. Described as one or one and one-half story frame dwellings that are from 82 to 97 years old, the comparables contain from 1,087 to 1,384 square feet of living area and have improvement assessments ranging from \$1.72 to \$5.73 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 of \$17,354 was disclosed. This assessment reflects a market value of \$177,625 when the Illinois Department of Revenue's 2005 three-year median level of assessment of 09.77% for Cook County Class 2 properties is applied. In support of the subject's assessment, the board of review offered property characteristic sheets and a spreadsheet detailing three suggested comparable properties located in the same coded assessment neighborhood as the subject. The comparables consist of one or one and one-half story style dwellings of frame construction from 102 to 107 years old. These properties contain from 836 to 608 square feet of building area and have improvement assessments from \$5.72 to \$6.23 per square foot of building 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 appellant's first argument was that the subject's assessment is not reflective of its market value.

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, 728 N.E.2d 1256 (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. Section 1910.65 *The Official Rules of the Property Tax Appeal Board* (86 Ill.Adm.Code §1910.65(c)). Having considered the evidence presented, the Board concludes that the appellant has overcome this burden and a reduction is warranted.

The Property Tax Appeal Board finds that the appellant submitted a settlement statement for the subject's September 2005 sale for a price of \$94,900. Further, Board finds that the board of review did not refute the appellant's contention that the subject's September 2005 was not reflective of the subject's

market value or that the subject's sale was arm's length in nature.

Therefore, the Property Tax Appeal Board finds that the appellant has met the burden of proving the value of the subject property by a preponderance of the evidence. Further the Board finds that the subject had a fair market value of \$94,900 as of January 1, 2005. As the subject's market value has been found herein, the Board finds that the Illinois Department of Revenue's three-year median level of assessment of 09.77% shall apply and finds that a reduction of the subject's assessment is appropriate.

The Board further finds that no additional reduction with regard to the equity of the subject's assessment is warranted.

Lbs/09

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

Shawn R. Lerbis

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: November 25, 2009

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.