

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Miguel Rodriguez
DOCKET NO.: 05-26384.001-R-1
PARCEL NO.: 30-30-222-011-0000

The parties of record before the Property Tax Appeal Board are Miguel Rodriguez, the appellant, by attorney Rusty Payton of the Law Offices of Rusty Payton, P.C., Chicago, Illinois; and the Cook County Board of Review.

The subject property is improved with a 39-year old, one-story style dwelling of frame construction containing 1,130 square feet of living area with a full, finished basement, central air conditioning, and a two-car detached garage. The appellant lists the subject's exterior construction as frame, but the board of review claims that a photograph of the subject property indicates frame and masonry exterior construction. However, the property classification sheet and the property details sheet provided by the board of review list the subject's exterior construction as frame.

The appellant's appeal is based on unequal treatment in the assessment process. The appellant submitted information on four comparable properties described as one-story frame dwellings that range in age from 51 to 55 years old. The comparable dwellings range in size from 1,056 to 1,387 square feet of living area. Features included two comparables with central air conditioning. The comparables have improvement assessments ranging from \$5.69 to \$6.21 per square foot of living area. The subject's improvement assessment is \$10.36 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 four comparable properties consisting of one-story frame and masonry dwellings that range in age from 14 to 49 years old. The dwellings range in size from 1,100 to 1,120 square feet of living area. Each comparable has a two or two and one-half car detached garage; two have a full basement; and two have

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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:	\$	2,200
IMPR.:	\$	10,080
TOTAL:	\$	12,280

Subject only to the State multiplier as applicable.

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central air conditioning. These properties have improvement assessments ranging from \$7.88 to \$9.31 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject'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 Board further finds that 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.

Although the board of review claims that a photograph of the subject property shows frame and masonry exterior construction, the board of review contradicted that claim when it produced the subject property's property classification sheet and property details sheet. Both sheets indicate that the subject's exterior construction is frame. The Board further finds that the comparables submitted by the appellant differed substantially from the subject in age, foundation, and/or size. As a result the appellant's comparables received reduced weight in the Board's analysis. The comparables numbered two and four by the board of review differed in foundation from the subject, and comparable two also differed substantially in age. These comparables also received reduced weight. The comparables numbered one and three by the board of review were the most similar to the subject in age, size, and/or foundation. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables had improvement assessments of \$8.57 and \$9.23 per square foot of living area. The subject's improvement assessment of \$10.36 per square foot of living area falls above these amounts. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's improvement assessment is not equitable 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: April 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.