Final Administrative Decision of the
State of Illinois
PROPERTY TAX APPEAL BOARD

APPELLANT: Daniel Breaux
DOCKET NO.: 05-26676.001-R-1
PARCEL NO.: 07-16-212-005-0000

The parties of record before the Property Tax Appeal Board are Daniel Breaux, the appellant(s), by attorney Julie Realmuto, of McCarthy Duffy; and the Cook County Board of Review.

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:	$ 5,180
IMPR.:	$ 16,629
TOTAL:	$ 21,809

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 9,250 square foot parcel improved with a 40-year-old, one-story style single-family dwelling of frame construction. Containing 1,364 square feet of living area, the subject features one full and two half-baths, a full basement, and a two-car garage. The subject is located in Schaumburg Township, Cook County.

The appellant, through counsel, submitted evidence before the Property Tax Appeal Board claiming unequal treatment in the assessment process as the basis of the appeal. In support of this argument, the appellant offered a spreadsheet detailing four suggested comparable properties located in the same coded assessment neighborhood as the subject. These properties consist of one-story style single-family dwellings of frame or frame and masonry construction from 44 to 46 years old. The comparables range in size from 1,602 to 1,700 square feet of living area with amenities such as one or two full baths. Three of the comparables have additional half-baths and one has central air conditioning. The comparables have improvement assessments

ranging from $9.62 to $10.04 per square foot of living area. A copy of the subject's 2005 board of review final decision was also included. 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 improvement assessment of $16,629, or $12.19 per square foot of living area, was disclosed. In support of the subject's assessment, the board of review offered property characteristic sheets and a spreadsheet detailing four suggested comparable properties located within one block of the subject. The comparables consist of 40-year old, one-story style single-family dwellings of frame construction. These properties range in size from 1,092 to 1,409 square feet of living area and have amenities such as from one to two full baths, central air conditioning, and garages. Three of the comparables have additional half-baths and one has a fireplace. The comparables have improvement assessments ranging from $12.19 to $15.21 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 appellant's argument was unequal treatment in the assessment process. 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 Property Tax Appeal Board finds that the parties submitted eight properties as comparable to the subject. The Board accords substantial and primary weight to the board of review's comparables one, two and four. The Board finds that the board of review's properties are the same age as the subject and are located within one block of the subject. Further, the Board finds that these properties are similar in size and amenities when compared with the subject. The Board accords the appellant's properties little weight. The Board finds that the appellant's comparables overall differ from the subject in size, location, and amenities. After considering adjustments and the differences in both parties' suggested comparables when compared to the subject property, the Board finds the subject's per square foot improvement assessment of $12.19 is supported by the properties contained in the record.

As a result of this analysis, the Property Tax Appeal Board finds the appellant failed to adequately demonstrate that the subject

dwelling was inequitably assessed by clear and convincing evidence and no reduction 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: September 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.