

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Eun Tae Yang
DOCKET NO.: 05-26749.001-C-1
PARCEL NO.: 05-34-100-038-0000

The parties of record before the Property Tax Appeal Board (PTAB) are Eun Tae Yang, the appellant, by attorney Maria V. Mactal with the Law Offices of Terrence Kennedy, Jr., Chicago and the Cook County Board of Review (board).

The subject property consists of a 46-year-old, one-story, masonry constructed, 1,750 square foot, class 5-17 commercial building situated on 5,895 square feet of land and located in New Trier Township, Cook County.

The appellant, through counsel, appeared before the PTAB arguing unequal treatment in the assessment process of the improvement as the basis of the appeal. In support of this claim, the appellant submitted six suggested comparable commercial properties located within a few blocks of the subject. Four comparables are located on the same street as the subject. The six suggested comparables consist of one-story, class 5-17, commercial properties of masonry construction. The appellant also submitted Assessor's printouts, 4905 buff cards and photographs of the subject and the suggested comparables. The comparables range in size from 1,434 to 4,100 square feet of building area and range in age from 51 to 78 years. The comparables have improvement assessments ranging from \$15.91 to \$27.07 per square foot of building area.

At hearing, the appellant's attorney argued that the appellant's comparables are similar to the subject and should be considered as such by the PTAB. Based on the evidence submitted, the appellant requested a reduction in the subject's improvement assessment.

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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: \$ 30,241
IMPR.: \$ 49,759
TOTAL: \$ 80,000

Subject only to the State multiplier as applicable.

PTAB/rfd6356

The board of review submitted its "Board of Review-Notes on Appeal" disclosing the subject's total assessment of \$91,402 which reflects a market value of \$240,532 as factored by the Cook County Ordinance level of 38%. The board submitted evidence in support of its assessed valuation of the subject property. As evidence, the board offered four sales of commercial properties ranging in size from 1,760 to 2,500 square feet of building area and ranging in age from eight to 60 years. The sales occurred between October 2001 and January 2007 for prices ranging from \$250,000 to \$1,255,000 or from \$106.84 to \$502.00 per square foot of building area, including land. No analysis or adjustment of the sales data was provided by the board. The board's evidence disclosed that the Recorder of Deeds recorded a Trustee's Deed for the subject property executed on July 18, 2005 for \$350,000 or \$200.00 per square foot.

After hearing the testimony and considering the evidence, the PTAB 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 PTAB finds the appellant has overcome this burden.

The PTAB finds four of the appellant's comparables are similar to the subject, especially comparable five, but with some differences in building size, lot size and age to be taken into consideration. These properties have improvement assessments ranging from \$15.91 to \$27.07 per square foot of building area. The subject's per square foot improvement assessment of \$34.95 is well above this range established. After considering the differences and similarities in the suggested comparables when compared to the subject property, the PTAB finds the evidence submitted is sufficient to cause a change in the subject's assessment.

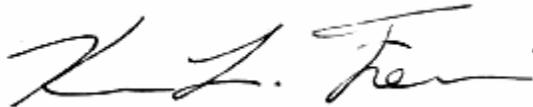
The PTAB gives less weight to the board's sales evidence because it lacks analysis and a supported conclusion of value and the appeal was based on inequity.

As a result of this analysis, the PTAB finds that the appellant has adequately demonstrated that the subject property was inequitably assessed and that 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.



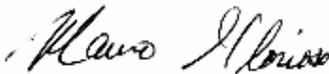
Chairman



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: January 23, 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.