

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Rick Ahern  
DOCKET NO.: 05-27008.001-R-1  
PARCEL NO.: 06-34-411-033-0000

The parties of record before the Property Tax Appeal Board are Rick Ahern, the appellant, by attorney Anthony Farace of Amari & Locallo, Chicago, and the Cook County Board of Review.

The subject property consists of a four-year-old, two-story style single-family dwelling of frame construction with two and one half baths, air conditioning, a fireplace, and a three-car garage located in Hanover Township, Cook County.

The appellant, through counsel, submitted evidence that the subject's fair market value is not accurately reflected in its assessment. The appellant's petition revealed the subject sold in August 2002 for a price of \$417,315. In addition, the appellant's petition suggests the subject dwelling contains 3,200 square feet of living area, while the board of review's documents suggest the subject contains 4,268 square feet 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 improvement assessment of \$46,517 was disclosed. 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 four year old, two-story style single-family dwellings of frame and masonry construction. All of the comparables contain multiple baths, basements, air conditioning, fireplaces and multiple car garages. These properties range in size from 3,090 to 3,793 square feet of living area and have improvement assessments ranging from \$9.54 to \$10.06 per square foot of living area. Although the board of review's evidence suggests the subject sold in July 2002 its evidence confirmed the sale price of \$417,315. Based on this evidence, the board of review requested confirmation of the subject property's 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:	\$	6,579
IMPR.:	\$	34,193
TOTAL:	\$	40,772

Subject only to the State multiplier as applicable.

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 issue before the Property Tax Appeal Board is the subject's fair market value. Next, 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 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 728 N.E.2d 1256 (2<sup>nd</sup> 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 reviewed the record and considered the evidence, the Board concludes that the appellant has satisfied this burden.

The first issue before the Board is the correct square footage attributable to the subject improvement. The Board finds that the appellant failed to substantiate the claim that the subject's living square footage is different than the public record presented by the board of review. Consequently, the Board finds the subject contains 4,268 square feet of living area.

The Property Tax Appeal Board finds that the parties agreed the subject sold in either July or August of 2002 for a price of \$417,315. The Board finds the board of review did not contest that the sale was arm's length in nature. In addition, the Board finds that while the board of review did not address the appellant's overvaluation claim, the board of review's evidence did demonstrate the subject's improvement is inequitably assessed. The Board finds that the board of review's comparables have improvement assessments ranging from \$9.54 to \$10.06 per square foot of living area. The subject's per square foot improvement assessment of \$10.90 based on 4,279 square feet of living area is above the range established by these properties.

The Board finds that the best and only evidence in the record of the subject's fair market value as of January 1, 2005 is the subject's 2002 sale. Further, the Property Tax Appeal Board finds that the board of review failed to refute the appellant's contention this sale was representative of the subject's fair market value as of January 1, 2005.

Based on the foregoing analysis, the Property Tax Appeal Board finds the subject property had a market value of \$417,315, as of January 1, 2005. Since the fair market value of the subject has been established, the Board finds that the 2005 Illinois Department of Revenue's three-year level of assessments of 9.77% for residential properties shall apply and a reduction is accordingly 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

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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: October 10, 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.