



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

APPELLANT: William & Roxana Loupakos
DOCKET NO.: 05-27205.001-R-1
PARCEL NO.: 22-27-403-001-0000

The parties of record before the Property Tax Appeal Board are William & Roxana Loupakos, the appellant(s), by attorney Stephen Golan and attorney Liat Meisler, of Golan & Christie LLP in 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: \$ 13,360
IMPR: \$ 44,868
TOTAL: \$ 58,228

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property contains 20,877 square feet of land improved with a 13-year old, two-story, frame and masonry dwelling containing 3,868 square feet of living area as well as two full and one half-baths, a full basement, two fireplaces and a three-car garage.

The appellant's appeal is based on unequal treatment in the assessment process. The appellant submitted assessment data and descriptions on four comparable properties for consideration. They are improved with a one-year old, two-story, masonry dwelling. They range: in baths from five to six; in size from

3,860 to 4,720 square feet of living area; and in improvement assessments from \$1.62 to \$1.91 per square foot of living area. The properties also include two or three fireplaces and from a three-car to four-car garage. The subject's improvement assessment is \$14.19 per square foot of living area. At hearing, the appellant's attorney stated that she had no personal knowledge as to the proximity of the comparables to the subject, but that the properties were within the same neighborhood code as the subject. As to these properties, the board of review's representative asserted based upon his experience in the assessing field that these properties' assessments appeared to be partial assessments attributed to buildings that might have been under construction and accorded partial occupancy factors. On this point, the appellant's attorney stated that she had no personal knowledge of whether these properties had partial assessments, but she did indicate that her staff assistant was unable to verify 2005 or 2006 data for these properties.

The appellant's attorney also stated the subject's triennial assessment year was tax year 2005 and that in tax year 2007, the county board of review reduced the subject's total assessment from \$65,344 to \$58,228. She argued that these are similar assessment amounts accorded to the assessment year at issue, 2005. In support of this assertion, the PTAB record was left open for submission of a copy of this board of review decision without objection from the board of review's representative. This decision was timely received and identified for the record as Appellant's Hearing Exhibit #1. 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 located on the same street as is the subject, for consideration. They are improved with a two-story, frame and masonry dwelling. The improvements range: in baths from four to five; in age from 8 to 13 years; in size from 3,345 to 4,436 square feet of living area; and in improvement assessments from \$14.31 to \$15.31 per square foot of living area. Amenities include a full basement, one to three fireplaces, and a three-car garage. The printouts further reflected that three of the four properties were accorded a quality of construction designation of deluxe, while the subject

was accorded an average designation. In addition, the printouts indicated that these four properties were accorded an above average state of repair, while the subject was accorded an average designation. There was no further explanation for these designation variances.

At hearing, the board of review's representative testified that the board of review would rest on the written evidence submissions. Moreover, he stated that he had no personal knowledge as to the variances in designations accorded by the assessor's office. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the evidence and considering the testimony, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds 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.

The Board finds the comparables submitted by the board of review are most similar to the subject in location, style, size, age and amenities. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables had improvement assessments that ranged from \$14.31 to \$15.31 per square foot of living area. The subject's improvement assessment is \$14.20 per square foot of living area. In addition, the Board found that these comparables were accorded deluxe and above average designations by the assessor in the areas of construction quality and state of repair, while the subject's improvement was only accorded an average designation. Therefore, the Board finds that these factors merit the subject's assessment below this range.

Further, "a substantial reduction in the subsequent year's assessment is indicative of the validity of the prior year's assessment". Hoyne Savings & Loan Assoc. v. Hare, 60 Ill.2d 84,

90, 322 N.E.2d 833, 836 (1974); 400 Condominium Assoc. v. Tully, 79 Ill.App.3d 686, 690, 398 N.E.2d 951, 954 (1st Dist. 1979). Therefore, the Board finds that based upon the county board of review's 2007 non-triennial assessment reduction, it is appropriate to reduce the appellant's 2005 improvement assessment to \$58,228. Thereby, the Board finds 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.

Ronald R. Crit

Chairman

K. L. Fan

Member

Richard A. Huff

Member

Harold H. Lewis

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: December 23, 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.