



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

APPELLANT: Jud Reidy
DOCKET NO.: 05-27455.001-R-1
PARCEL NO.: 27-08-100-012-0000

The parties of record before the Property Tax Appeal Board are Jud Reidy, the appellant(s), by attorney Patrick J. Cullerton, of Thompson Coburn 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: \$13,939
IMPR.: \$13,124
TOTAL: \$27,063

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of an 87,120 square foot parcel of land improved with two buildings. Improvement #1 is a 66 year-old, two-story, frame, single-family dwelling containing 1,694 square feet of living area. Improvement #2 is a 66 year-old, one and one-half-story, frame, single-family dwelling containing 1,587 square feet of living area. The appellant argued both unequal treatment in the assessment process and that the market value of the subject property is not accurately reflected in the property's assessed valuation as the bases of this appeal.

In support of the equity argument, the appellant, via counsel, submitted information on a total of three properties suggested as comparable and located within the subject's neighborhood. The properties contain are described as two-story, frame, single-family dwellings with between two and one-half and four and two-half baths, and for two properties, a full, unfinished basement. The properties range in age from 113 to 127 years; in size from 1,661 to 2,199 square feet of living area and in improvement

assessments from \$4.20 to \$8.74 per square foot of living area. The documentation noted that the improved assessed value per square foot for comparable #1 was to account for a home improvement exemption. The appellant also submitted colored photographs of the subject property and the suggested comparables.

In support of the market value argument, the appellant asserted that a contract for the sale of the property was entered into in 2007 for \$248,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's Improvement #1 assessment of \$18,199 or \$10.74 per square foot of living area and Improvement #2 of \$21,587 or \$13.60 per square foot of living area was disclosed. The total assessment of \$53,725 yields a market value of \$549,897 when using the Illinois Department of Revenue 2005 median level of assessments for Cook County Class 2 property of 9.77%. In support of the subject's assessment, the board of review presented descriptions and assessment information on suggested comparables for each improvement. For Improvement #1, the board of review submitted three properties suggested as comparable and located within the subject's neighborhood. The properties consist of two-story, frame, single-family dwellings with one or two baths and, for two properties, a partial or full, basement. The properties range: in age from 82 to 159 years; in size from 1,568 to 2,167 square feet of living area; and in improvement assessments from \$10.93 to \$12.72 per square foot of living area.

For Improvement #2, the board of review submitted four properties suggested as comparable and located within the subject's neighborhood. The properties consist of one-story, masonry or frame, single-family dwellings with between one and one-half and two and one-half baths, a full basement for three properties, and for two properties, air conditioning and a fireplace. The properties range: in age from 34 to 51 years; in size from 1,542 to 1,580 square feet of living area; and in improvement assessments from \$14.95 to \$18.56 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a copy of the real estate contract showing the subject property was under contract for purchase for \$248,000 with a closing date scheduled for June 21, 2007. The contract stated the property was being sold in "as is condition".

At hearing, the appellant's attorney argued that a large portion of the property is located within a flood plain. He stated that the contract for the sale of the subject property never came to fruition and the property never sold.

The appellant's witness was Keith Lewis, an appraiser who inspected the property. Mr. Lewis testified he has been an

Illinois licensed general real estate appraiser since 2003. He described the property as a 90,000 square foot site with the front 60,000 square feet in a flood plain and unbuildable. He testified the back 30,000 square feet of land has a one and one-half story house and a garage with illegal living quarters. He opined that the condition of the house is unlivable and unsafe. Lewis testified that the second house smelled of sewage and opined that this was due to the methane pipes not being properly installed. He also described this improvement as unlivable. He testified the property is on well and septic, but could be hooked up to city water and sewer for approximately \$40,000.

The board of review's representative, Michael LaCalamita, rested on the evidence previously submitted.

In rebuttal, the appellant presented Appellants Exhibit #1, aerial photographs and assessor's website photographs for two of the board of review's comparables. The appellant's attorney argued that there are no properties similar enough to the subject because of the condition of the subject. He argued that the subject's improvements should be torn down and the land redeveloped.

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 a reduction in the subject's assessment is warranted.

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, 331Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd 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. 86 Ill.Admin.Code 1910.65(c). Having considered the evidence presented, the PTAB concludes that the evidence indicates a reduction is not warranted.

The appellant presented a contract for the sale of the subject property two years after the lien date and acknowledged that this contract was never concluded and the property never sold. The PTAB finds that because there is no sale for the subject, the subject's market value as of the lien date was not sufficiently established. Therefore, the PTAB finds no reduction for the subject based on market value.

The appellant also 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.

As to Improvement #1, the parties submitted a total of six properties suggested as comparable to the subject. The PTAB finds these properties similar to the subject, but in better condition. These properties are frame, two-story, single-family dwellings located within the subject's neighborhood. The properties range: in age from 82 to 159 years; in size from 1,568 to 2,199 square feet of living area; and in improvement assessments from \$4.20 to \$12.72 per square foot of living area. In comparison, the subject's improvement assessment of \$10.74 per square foot of living area is within the range of these comparables. However, the PTAB finds the appraiser's testimony regarding the condition of the subject property and its unlivable condition compelling and finds that the subject's improvement assessment should be below the range of these comparables as these properties are in livable condition. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's per square foot improvement assessment is not supported and a reduction in Improvement #1's assessment is warranted.

As to Improvement #2, the parties submitted a total of seven properties suggested as comparable to the subject. The PTAB finds these properties are similar to the subject, but in better condition. These properties are frame or masonry, one or two-story, single-family dwellings located within the subject's neighborhood. The properties range: in age from 34 to 114 years; in size from 1,542 to 2,199 square feet of living area; and in improvement assessments from \$4.20 to \$18.56 per square foot of living area. In comparison, the subject's improvement assessment of \$13.60 per square foot of living area is within the range of these comparables. However, the PTAB finds the appraiser's testimony regarding the condition of the subject property and its unlivable condition compelling and finds that the subject's improvement assessment should be below the range of these comparables as these properties are in livable condition. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's per square foot improvement assessment is not supported and a reduction in Improvement #2'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. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

Shawn R. Lerbis

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: August 20, 2010

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.