



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

APPELLANT: Alberto & Lisa Martinez
DOCKET NO.: 06-20811.001-R-1
PARCEL NO.: 10-25-207-031-0000

The parties of record before the Property Tax Appeal Board are Alberto & Lisa Martinez, the appellant(s), by attorney Melissa K. Whitley, of Marino & Assoc., PC 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: \$ 8,189
IMPR.: \$ 16,611
TOTAL: \$ 24,800

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 6,825 square foot parcel improved with a 66-year-old, one and one-half story, single-family dwelling of frame and masonry construction located in Evanston Township, Cook County. Features of the residence include one full bathroom and central air-conditioning. At the hearing, the parties agreed that the subject dwelling contains 993 square feet of living area for the purpose of this appeal.

The appellants, through counsel, appeared before the Property Tax Appeal Board claiming unequal treatment in the assessment process of the improvement as the basis of the appeal. In support of this claim, the appellants submitted assessment data and descriptive information on four properties suggested as comparable to the subject. Based on the appellants' documents, the four suggested comparables consist of one and one-half story, single-family dwellings of frame, masonry or frame and masonry construction located within 1.5 miles of the subject. The improvements range in size from 893 to 988 square feet of living area and range in age from 48 to 52 years old. The comparables

contain one full bathroom. Two comparables have a partial-unfinished basement and two comparables have a one-car or two-car detached garage. The improvement assessments range from \$14.01 to \$16.96 per square foot of living area.

At hearing, the appellants' attorney argued that the appellants' comparable one is the most similar property to the subject in size, location and age. Based on the evidence submitted, the appellants requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's total assessment of \$25,845. The subject's improvement assessment is \$17,656 or \$17.78 per square foot of living area. In support of the assessment the board submitted property characteristic printouts and descriptive data on three properties suggested as comparable to the subject. The suggested comparables are improved with one-story, single-family dwellings of masonry construction with the same neighborhood code as the subject. The improvements range in size from 1,222 to 1,596 square feet of living area and range in age from 52 to 56 years old. The comparables contain one or one and one-half bathrooms and a two-car detached garage. One comparable has a partial-finished basement and central air-conditioning. The improvement assessments range from \$15.73 to \$21.80 per square foot of living area.

At hearing, the board's representative stated that the board of review would rest on the written evidence submissions. Based on the evidence presented, the board of review requested confirmation of the subject's assessment.

After hearing the testimony 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 appellants' 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 appellants have overcome this burden.

The Board finds the appellants' comparables one, two and three to be the most similar properties to the subject in the record. These three properties are similar to the subject in improvement size, amenities, age and location and have improvement assessments ranging from \$15.57 to \$16.96 per square foot of living area. The subject's per square foot improvement assessment of \$17.78 falls above the range established by these properties. The Board finds the four remaining comparables less similar to the subject in exterior construction, improvement size and/or location and accorded less weight. After considering adjustments

and the differences in both parties' suggested comparables when compared to the subject, the Board finds the subject's per square foot improvement assessment is not supported by the most similar properties contained in the record.

As a result of this analysis, the Property Tax Appeal Board finds the appellants have adequately demonstrated that the subject dwelling was inequitably assessed by clear and convincing evidence and a 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.

Donald 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: July 23, 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.