FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: John McCarthy
DOCKET NO.: 06-21939.001-R-1
PARCEL NO.: 11-32-200-031-0000

The parties of record before the Property Tax Appeal Board are John McCarthy, the appellant, by attorney Terrence Kennedy Jr., of Law Offices of Terrence Kennedy Jr. 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:	$ 6,884
IMPR.:	$ 23,274
TOTAL:	$ 30,158

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story townhouse single-family dwelling of masonry construction containing 1,206 square feet of living area. The dwelling is 44 years old. Features of the home include a full, finished basement and central air conditioning.

The appellant submitted evidence before the Property Tax Appeal Board claiming unequal treatment in the assessment process and overvaluation as the bases of the appeal. In support of the equity argument, the appellant submitted information on five comparable properties described as two-story masonry or frame and masonry townhouses that are 45 years old. The comparable dwellings contain either 1,396 or 1,492 square feet of living area. The comparables have a full, finished basement and four have central air conditioning. The comparables have improvement assessments ranging from $17.08 to $18.67 per square foot of living area. The subject's improvement assessment is $22.27 per square foot of living area.

In support of the overvaluation argument, the appellant explained the subject is one of seven adjacent identical townhouses. He submitted data evidencing the sale of two of these townhouses.

One sold in May 2003 for $260,000 and another sold in July 2006 for $298,000. As a result, the appellant requested a reduction in the subject's assessment to reflect $279,000 which is the average of these two sales.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of $33,758 was disclosed. The subject's assessment reflects a market value of $333,577 using the 2006 three year median level of assessments for class 2 property of 10.12%. In support of the subject's assessment, the board of review offered the property characteristic sheets and a spreadsheet detailing three suggested comparable properties. The comparable properties consist of two-story masonry dwellings that are 40 years old. They have full, finished basements and central air conditioning. They each contain 1,200 square feet and have improvement assessments of $22.85 per square foot. The board of review also submitted a list of sales prices and sales dates for 20 properties. However, descriptions of these properties were not submitted. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 appellant claimed the subject property's assessment was not reflective of its true market value. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2d 1256 (2d Dist. 2000). The Board finds that based on the evidence contained in the record the appellant has sufficiently established overvaluation by a preponderance of the evidence and a reduction in the subject's total assessment is warranted.

The Board finds that a reduction in the subject's assessment is warranted based on the appellant's comparable sales data. Two adjacent identical townhouses to the subject sold in May 2003 for $260,000 and in July 2006 for $298,000. The Board placed most weight on the more recent sale. Therefore, the Board finds the subject had a market value of $298,000 as of the January 1, 2006 assessment date. The subject’s assessment reflects a market value in excess of this amount at $333,577. The board of review failed to address the appellant's market value contention. Although a list of sales of properties in the subject’s neighborhood was submitted, there were no descriptions of these properties to compare with the subject. Thus, the Board finds the subject has a market value of $298,000 and the 2006 three-year median level of assessments for Cook County Real Property Assessment Classification Ordinance Class 2 property of 10.12% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code 1910.50(c)(2))

The appellant also argued the subject property was inequitably assessed. 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. The Property Tax Appeal Board finds that after considering the assessment reduction based upon market value principals, the subject property is uniformly assessed and no further 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.

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: April 23, 2010

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.