



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

APPELLANT: Joseph Cusick
DOCKET NO.: 06-23794.001-R-1
PARCEL NO.: 14-17-302-008-0000

The parties of record before the Property Tax Appeal Board are Joseph Cusick, the appellant(s), by attorney Lisa A. Marino, 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 no change 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: \$27,139
IMPR.: \$48,184
TOTAL: \$75,323

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 3,000 square foot parcel of land improved with an 103-year old, two-story, frame, single-family dwelling containing 1,556 square feet of living area, one and one-half baths, air conditioning, and a full, unfinished basement. 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 five properties suggested as comparable and located within four blocks of the subject. The properties are described as two-story, frame or stucco, single-family dwellings with between one and one-half and two and one-half baths and, for four properties, a full, unfinished basement. The properties range: in age from 103 to 118 years; in size from 1,656 to 2,101 square feet of living area; and in improvement assessments from \$17.29 to \$24.29 per square foot of living area.

In support of the market value argument, the appellant submitted a copy of the settlement statement indicating the property sold on January 17, 2003 for \$489,000. In addition, the appellant submitted an affidavit stating the property sold in an arm's length transaction. 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 total assessment of \$75,323 with an improvement assessment of \$75,323 or \$30.97 per square foot of living area was disclosed. This assessment reflects a market value of \$470,769 using the level of assessment of 16% for Class 2 property as contained in the Cook County Real Property Assessment Classification Ordinance. In support of the subject's assessment, the board of review presented descriptions and assessment information on a total of four properties suggested as comparable and located within three blocks of the subject. The properties are described as two-story, frame, single-family dwellings with between one and two baths, a full, unfinished basement, air conditioning for three properties, and, for one property, a fireplace. The properties range: in age from 105 to 113 years; in size from 1,524 to 1,664 square feet of living area; and in improvement assessment from \$31.47 to \$36.62 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record 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 not 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 submitted evidence of a sale in January 2003. The PTAB finds this sale too far removed from the lien date to be indicative of the market value for 2006. Therefore, the PTAB finds the appellant has not submitted sufficient evidence to meet the burden for a reduction 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 not met this burden.

The parties submitted a total of nine properties suggested as comparable to the subject. The PTAB finds the appellant's comparables #3 and #5 and the board of review's comparables the most similar to the subject in design, construction, size, and age. Due to their similarities to the subject, these comparables received the most weight in the PTAB's analysis. The properties are frame, two-story, single-family dwellings located within three blocks of the subject. The properties range: in age from 103 to 115 years; in size from 1,524 to 1,736 square feet of living area; and in improvement assessment from \$19.87 to \$36.62 per square foot of living area. In comparison, the subject's improvement assessment of \$30.97 per square foot of living area is within the range of these comparables. The remaining comparables were given less weight due to disparities in size and/or construction. 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 supported and a reduction in the subject's assessment is not 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: December 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.