FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Karaly Realty, LLC
DOCKET NO.: 06-24097.001-R-1
PARCEL NO.: 14-29-106-028-0000

The parties of record before the Property Tax Appeal Board are Karaly Realty, LLC, the appellant(s), by attorney Mitchell L. Klein, of Schiller Klein 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:	$14,404
IMPR.:	$75,612
TOTAL:	$90,016

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 3,125 square foot parcel of land improved with two buildings. Improvement #1 is a 113-year old, two-story, masonry, multi-family dwelling containing 2,438 square feet of living area, two apartment units, two baths and a full, unfinished basement. Improvement #2 is a 113-year old, two-story, masonry, multi-family dwelling containing 1,496 square feet of living area, two apartment units, two baths and a full, unfinished basement. The appellant argued, via counsel, unequal treatment in the assessment process of the improvement as the basis of the appeal.

In support of the equity argument, the appellant, via counsel, submitted information on a total of three properties suggested as comparable and located on the subject's block. The properties contain two improvements each that are described as two-story, masonry or frame, multi-family dwellings with two or four baths, full, unfinished basement for three properties, and for one property, air conditioning. The properties are 113 years old and range in combined total size from 2,646 to 5,119 square feet of

living area and in improvement assessments from $15.79 to $18.39 per square foot of living area. The appellant also submitted black and white photographs of the subject property and the suggested comparables. 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 Improvement #1 assessment of $57,260 or $23.49 per square foot of living area and Improvement #2 of $18,352 or $12.27 per square foot of living area was disclosed. 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 one-half mile of the subject. The properties consist of two-story, masonry or frame and masonry, multi-family dwellings with three apartment units, two or three baths and, for two properties, a full, unfinished basement. The properties range: in age from 103 to 124 years; in size from 2,288 to 2,484 square feet of living area; and in improvement assessments from $26.35 to $33.85 per square foot of living area.

For Improvement #2, the board of review submitted three properties suggested as comparable and located within one-quarter of a mile from the subject. The properties consist of two-story, masonry or frame, multi-family dwellings with two apartment units, two baths, a full basement for one property, and for one property, air conditioning. The properties range: in age from 108 to 118 years; in size from 1,512 to 1,634 square feet of living area; and in improvement assessments from $25.31 to $34.57 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 letter arguing that board of review's comparables are not as similar to the subject as the appellant's. The appellant asserted that all the appellant's comparables where properties that contained two improvements on the parcel while the board of review's comparables contained one improvement on the parcel.

At hearing, the appellant's attorney argued that the subject property is over assessed when comparing the subject's total square footage and improvement assessment with suggested comparables. He acknowledged that the total square feet of living area and the improvement assessments of the suggested comparables are the combined totals of the two improvements located on each parcel.

The board of review's representative, Michael LaCalamita, rested on the evidence previously submitted. He testified that the board of review separates each improvement on a parcel and assesses each improvement individually prior to combining the assessments.

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.

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 not met this burden.

As to Improvement #1, the parties submitted a total of six properties suggested as comparable to the subject. The PTAB finds the board of review's comparables are the most similar to the subject in design, size, and age. These properties are frame and masonry or masonry, two-story, multi-family dwellings located within one-half mile of the subject. The properties range: in age from 103 to 124 years; in size from 2,288 to 2,484 square feet of living area; and in improvement assessments from $26.35 to $33.85 per square foot of living area. In comparison, the subject's improvement assessment of $23.49 per square foot of living area is below the range of these comparables. The PTAB gives little weight to the appellant's comparables as the appellant combined the square feet of living area and the improvement assessment for each suggested comparable's two improvement without providing any documentation for each individual improvement. 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 Improvement #1's assessment is not warranted.

As to Improvement #2, the parties submitted a total of six properties suggested as comparable to the subject. The PTAB finds the board of review's comparables are the most similar to the subject in design, size, and age. These properties are frame or masonry, two-story, multi-family dwellings located within one-quarter mile of the subject. The properties range: in age from 108 to 118 years; in size from 1,512 to 1,634 square feet of living area; and in improvement assessments from $25.31 to $34.57 per square foot of living area. In comparison, the subject's improvement assessment of $12.27 per square foot of living area is below the range of these comparables. The PTAB gives little weight to the appellant's comparables as the appellant combined the square feet of living area and the improvement assessment for each suggested comparable's two improvement without providing any documentation for each individual improvement. 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 Improvement #2'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.

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: July 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.