



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

APPELLANT: Richard Boerke
DOCKET NO.: 06-25212.001-R-1
PARCEL NO.: 05-27-300-030-0000

The parties of record before the Property Tax Appeal Board are Richard Boerke, the appellant(s), by attorney Mary T. Nicolau, of Smith/Nicolau P.C. of 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: \$ 36,000
IMPR.: \$ 232,180
TOTAL: \$ 268,180

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 12,000 square foot parcel improved with a four-year-old, two-story, single-family dwelling of masonry construction containing 4,048 square feet of living area and located in New Trier Township, Cook County. Features of the residence include three full bathrooms, two half-baths, a full-finished basement, central air-conditioning, two fireplaces and a two-car attached garage.

The appellant, through counsel, submitted evidence before the Property Tax Appeal Board claiming the subject's market value is not accurately reflected in its assessment. In support of this argument, the appellant's evidence disclosed that the subject was purchased in May 2004 for a price of \$2,650,000; the sale was not a transfer between family or related corporations; the subject was sold by Realtor and advertised for sale, and the seller's mortgage was not assumed. In addition, the appellant submitted a

copy of the subject's settlement statement. Based upon this information, the appellant requested an assessment reflective of a fair market value for the subject of \$2,650,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's total assessment of \$295,564. The subject's improvement assessment is \$259,564 or \$64.12 per square foot of living area. The board's evidence disclosed that the subject sold in May 2004 for a price of \$2,650,000.

Also, the board submitted a list of properties that sold which included the subject's May 2004 sale; however, descriptions of the other sale properties were not provided. In addition, the board of review provided a copy of the subject's property characteristic printout as well as copies of documentation from the board of review level complaint file. Based on the evidence presented, the board of review requested confirmation of the subject's assessment.

When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.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 arms-length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. (86 Ill.Adm.Code §1910.65(c)) Having reviewed the record and considering the evidence, the Board finds the appellant has satisfied this burden.

The appellant's evidence disclosed that the subject was purchased in May 2004 for a price of \$2,650,000; the sale was not a transfer between family or related corporations; the subject was sold by Realtor and advertised for sale, and the seller's mortgage was not assumed. In addition, the appellant submitted a copy of the subject's settlement statement. The Board finds the subject's May 2004 sale for \$2,650,000 to be the best evidence of market value contained in the record. The Board further finds the board of review failed to present any evidence to refute the arm's length nature of the sale. Moreover, the board of review's evidence neglects to address the appellant's market value argument.

Therefore, the Property Tax Appeal Board finds that the subject had a market value of \$2,650,000 as of January 1, 2006. The Board further finds that the 2006 Illinois Department of Revenue's three-year median level of assessments of 10.12% for Class 2 property shall apply 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.

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: April 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.