

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: James T. Falat
DOCKET NO.: 06-26238.001-R-1
PARCEL NO.: 07-19-405-018-0000

The parties of record before the Property Tax Appeal Board (PTAB) are James T. Falat, the appellant, by attorney Joseph G. Kuser of Storino, Ramello & Durkin of Rosemont and the Cook County Board of Review (board).

The subject property consists of a 26-year-old, two-story dwelling of frame construction and located in Schaumburg Township, Cook County. The residence includes three full bathrooms, a full basement, air conditioning, a fireplace and a two-car garage. The appellant claimed the subject contained 1,900 square feet of living area. The Assessor's official records disclosed 2,076 square feet. The appellant also claimed only two and one half baths. In support of the claim of 1,900 square feet the appellant submitted part of a spotted plat of subdivision with an approval to construct the subject building and also submitted part of an appraisal disclosing a sketch of the subject. The PTAB finds in favor of the Assessor's figure of 1,900 square feet because the appraisal is incomplete, undated, and unsigned as is the plat. The plat is an approval to construct and is quite unreadable.

The appellant, through counsel, submitted evidence before the PTAB claiming unequal treatment in the assessment process as the basis of the appeal. In support of this argument, the appellant offered four suggested comparable properties located within a quarter mile of the subject. These properties consist of two-story dwellings of frame or frame and masonry construction, and range in age from 25 to 26 years. The comparables include two or three bathrooms, with half baths and full or partial basements; all have air conditioning and fireplaces. The comparables have two-car garages. They contain between 2,299 and 3,360 square feet of living area and have improvement assessments ranging from \$21,750 to \$30,921 or from \$9.19 to \$9.64 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

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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: \$ 7,942
IMPR. \$21,689
TOTAL: \$29,631

Subject only to the State multiplier as applicable.

PTAB/TMcG.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final improvement assessment of \$21,638, or \$10.45 per square foot of living area, was disclosed. In support of the subject's assessment, the board of review offered four suggested comparable properties located within three blocks of the subject. The comparables consist of two-story dwellings of frame construction. The comparables range in age from 25 to 26 years. All have full basements and two and one half bathrooms. All have air conditioning, fireplaces and two-car garages. The comparable properties contain 2,299 square feet of living area with improvement assessments of between \$24,775 and \$25,024 or from \$10.78 to \$10.88 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject property'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's 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 appellant has failed to overcome this burden.

The PTAB finds the board's four comparables and the appellant's comparable four are the comparables most similar to the subject but with some differences in living area to be considered. These properties have improvement assessments ranging from \$9.46 to \$10.88 per square foot of living area. The subject's per square foot improvement assessment of \$10.45 is within this range of properties. The PTAB gives less weight to the remaining comparables because they are less similar to the subject in building materials and building area. After considering the differences in both parties' suggested comparables when compared to the subject property, the PTAB finds the evidence submitted is insufficient to effect a change in the subject's assessment.

As a result of this analysis, the PTAB finds the appellant did not adequately demonstrate that the subject property was inequitably assessed by clear and convincing evidence and a reduction is not warranted.

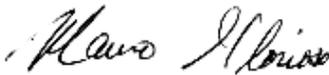
This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



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: August 24, 2009



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.