



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

APPELLANT: Ken Soda Trust
DOCKET NO.: 06-26726.001-R-1
PARCEL NO.: 14-08-105-010-0000

The parties of record before the Property Tax Appeal Board are Ken Soda Trust, the appellant, by attorney Patrick J. Cullerton, of Thompson Coburn LLP 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: \$20,300
IMPR.: \$49,528
TOTAL: \$69,828

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 2-story dwelling of stucco construction containing 3,012 square feet of living area¹. The dwelling is 102 years old and is in average condition. Features of the home include a full unfinished basement, a fireplace and a 2-car garage. The dwelling is located in Chicago, Lakeview Township, Cook County.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the overvaluation argument, the appellant submitted an appraisal report in which a market value of \$690,000, or \$229.08 per square foot of living area including land, was estimated for the subject property as of January 19, 2005. The appraiser developed the sales comparison approach and the cost approach in estimating the market value of the subject property but gave primary emphasis to the sales comparison approach. The appraiser considered three comparable properties that sold from July 2004

¹ According to the appraiser, the subject property has 3,012 square feet of living area, and the appellant supplied a detailed drawing of the subject property to support this claim.

through January 2005, for prices that ranged from \$668,000 to \$695,000, or \$237.55 to \$360.85 per square foot of living area including land. In the brief, the appellant's counsel requested that the subject's total assessment be reduced to \$69,828.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$97,976 was disclosed. The subject's assessment reflects a market value of \$968,142 or \$321.43² per square foot of living area, land included, using the 2006 three-year median level of assessments for class 2 residential property under the Cook County Real Property Assessment Classification Ordinance of 10.12% as determined by the Illinois Department of Revenue. The board of review presented descriptions and assessment information on three comparable properties, one of which sold in October 2006. It is described as a 2-story, frame dwelling 103 years old containing 2,232 square feet of living area. It features a full unfinished basement, a fireplace and a 2-car garage. This property sold for \$80,000, or \$35.84 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 evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Property Tax Appeal Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal, the value must be proven 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). Proof of market value may consist of an appraisal of the subject property, a recent sale of the subject property or comparable sales. (86 Ill.Admin.Code 1910.65(c)). After an analysis of the evidence in the record, the Board finds a reduction in the subject's assessment is warranted.

The Board finds the appellant's appraisal report is the best evidence of the subject's market value as of the January 1, 2006 assessment date. After making various adjustments to the comparables sales, the appraiser estimated a market value of \$690,000 for the subject property as of January 19, 2005. The subject's assessment reflects a market value of \$968,142 which is in excess of the market value estimate contained in the appraisal report. The board of review submitted three equity comparables, one of which was a sale, but did not sufficiently refute the appellant's market value conclusion contained in the appraisal report. The Board gave more weight in its analysis to the appellant's appraisal because the Board finds necessary and proper adjustments were made to account for various degrees of

² Using appraiser's square footage of living area.

dissimilarity. Thus, the Board finds the subject has a market value of \$690,000 and the 2006 three-year median level of assessments for Cook County Real Property Assessment Classification Ordinance for class 2 residential property of 10.12% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code 1910.59(c)(2)).

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 M. Louie

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 22, 2011

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.