



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

APPELLANT: Mark Brumbach
DOCKET NO.: 06-26888.001-R-1
PARCEL NO.: 13-22-110-012-0000

The parties of record before the Property Tax Appeal Board are Mark Brumbach, the appellant(s), by attorney Stephanie Park, of Park & Longstreet, P.C. in Rolling Meadows; 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: \$11,880
IMPR.: \$22,739
TOTAL: \$34,619

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 9,000 square foot parcel of land improved with a main house and a coach house. The appellant, via counsel, argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant submitted copies of an affidavit from the subject's owner and a copy of the settlement statement both indicating the property sold on March 15, 2005 for \$695,000. In addition, the petition for appeal shows the property was listed for sale, a real estate broker was involved, and the seller's mortgage was not assumed.

In addition, the appellant is requesting the occupancy factor of 38.9% that was applied to the 2006 assessment be applied to an assessment based on the subject's sale price. In support of this, the appellant submitted a copy of affidavits from the subject's owner indicating the property was vacant from the time

of sale and demolished on August 10, 2005, a copy of an affidavit from the subject's general contractor indicating the property was demolished on August 10, 2005, and assessor printouts for the subject property's 2006 assessment showing both improvements received a 38.9% occupancy factor for the 2006 lien year. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$97,551. This assessment reflects a market value of \$609,694 using the level of assessment of 16% for Class 2 property as contained in the Cook County Real Property Assessment Classification Ordinance. The board also submitted a grid analysis listing characteristics and assessment data for four properties suggested as comparable to the subject. These properties are two-story, frame, single-family dwellings containing two baths, air conditioning, a fireplace, and a full, unfinished basement. The properties are seven years old, contain 2,664 square feet of living area, and range in improvement assessment from \$22.71 to \$23.65 per square foot of living area. The board also included property characteristic printouts for the subject's improvements which show each improvement received an occupancy factor of 38.9%. As a result of its analysis, the board requested confirmation of the subject's assessment.

After considering the evidence and reviewing the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

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, 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 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 warranted.

In determining the fair market value of the subject property, the PTAB finds the best evidence to be the sale of the subject property in March 2005 for \$695,000. The PTAB gives little weight to the board of review's suggested comparables as no market value information was submitted. In addition, the PTAB finds the subject's improvements were accorded a 38.9% occupancy factor for the 2006 lien year as evidenced by both the board of review's and the appellant's evidence.

Therefore, the PTAB finds that the subject property contained a market value of \$695,000 for the 2006 assessment year. Since the market value of the subject has been established, the Department

of Revenue three year median level of assessment for Cook County Class 2 property of 9.77% will apply. In applying this level of assessment to the subject, the total assessed value is \$70,334. After applying a 38.9% occupancy factor to the improvement assessment, the PTAB finds that 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: January 21, 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.