



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

APPELLANT: Edwin Del Hierro
DOCKET NO.: 06-28940.001-R-1
PARCEL NO.: 14-32-112-017-0000
TOWNSHIP: North Chicago

The parties of record before the Property Tax Appeal Board are Edwin Del Hierro, the appellant(s), by attorney Robert M. Sarnoff, of Sarnoff & Baccash 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: \$ 24,641
IMPR: \$172,699
TOTAL: \$197,340**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a four-year-old, three-story, single-family dwelling of masonry construction containing 3,930 square feet of living area and located in North Chicago Township, Cook County. Features of the residence include four and one-half bathrooms, a full-unfinished basement, air-conditioning and a two-car attached garage.

The appellant, through counsel, appeared before the Property Tax Appeal Board arguing unequal treatment in the assessment process of the improvement as well as overvaluation as the bases of the appeal. In support of the overvaluation argument, the appellant's evidence disclosed that the subject was purchased in April 2004 for a price of \$1,950,000. In addition, the appellant submitted copies of the subject's real estate sales contract and settlement statement. At hearing, the appellant's attorney argued that the subject was purchased in April 2004 for a price of \$1,950,000, the sale was an arm's length transaction and the property was sold by Realtor. Based upon this information, the appellant

requested an assessment reflective of a fair market value for the subject of \$1,950,000.

Regarding the inequity claim, the appellant provided seven suggested comparable properties consisting of two-story or three-story, single-family dwellings of masonry or frame and masonry construction with the same neighborhood code as the subject. Two of the comparables are located on the same street and within two blocks of the subject. The improvements range in size from 3,834 to 4,515 square feet of living area and range in age from four to 23 years. The comparables contain from three to five full bathrooms, a finished or unfinished basement, air-conditioning, from one to three fireplaces and a multi-car garage. The improvement assessments range from \$41.70 to \$48.65 per square foot of living area. Based on the evidence submitted, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's total assessment of \$219,961. The subject's improvement assessment is \$195,320 or \$49.70 per square foot of living area. In support of the assessment the board submitted property characteristic printouts and descriptive data on four properties suggested as comparable to the subject. The suggested comparables are improved with three-story, single-family dwellings of masonry construction with the same neighborhood code as the subject. The improvements range in size from 3,939 to 3,978 square feet of living area and range in age from four to seven years. The comparables contain three and one-half, four or four and one-half bathrooms, a full-finished basement, air-conditioning and a two-car garage. Three comparables contain one or two fireplaces. The improvement assessments range from \$51.39 to \$55.98 per square foot of living area. The board's evidence disclosed that the subject sold in April 2004 for a price of \$1,950,000.

At hearing, the board's representative stated that the board's comparables are similar to the subject in size, design, age, amenities and location and indicated that the board of review would rest on the written evidence submissions. Based on the evidence presented, the board of review requested confirmation of the subject's assessment.

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

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 April 2004 for a price of \$1,950,000. In addition, the appellant submitted copies of the subject's real estate sales contract and settlement statement. Consequently, the Board finds the subject's April 2004 sale for \$1,950,000 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 besides noting the subject's sale.

Therefore, the Board finds that the subject had a market value of \$1,950,000 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.

As a final point, the Board finds no further reduction based on the appellant's equity argument 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.

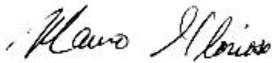


Chairman



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: September 28, 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.