



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

APPELLANT: Michael Jettner
DOCKET NO.: 06-29623.001-R-1
PARCEL NO.: 13-05-118-034-0000

The parties of record before the Property Tax Appeal Board are Michael Jettner, the appellant; by attorney Mark R. Davis of O'Keefe Lyons & Hynes, LLC 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: \$5,512
IMPR.: \$33,956
TOTAL: \$39,468

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a class 2-12 mixed use dwelling described as a 2-story building of masonry construction containing 2,654 square feet of building area. The building is 81 years old and features a partial, unfinished basement, central air conditioning and a 1-car garage.

The appellant's appeal is based on overvaluation, unequal treatment in the assessment process and contention of law. In support of the assessment inequity argument, the appellant submitted information on six comparable properties described as 2-story masonry or frame and masonry buildings that range in age from 36 to 77 years old. The comparable buildings range in size from 5,188 to 15,288 square feet of building area. All comparables feature full or partial, unfinished basements. Two have central air conditioning and one has a 3-car garage. The comparables have improvement assessments ranging from \$5.51 to \$11.13 per square foot of building area. The subject's improvement assessment is \$14.25 per square foot of building area. In support of the overvaluation argument, the appellant disclosed that the subject was purchased in June 2004 for \$390,000. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment was disclosed. The subject's assessment of \$43,337 reflects a market value of \$428,231 when applying the 2006 three year median level of assessments for Cook County Real Property Classification Ordinance class 2 property of 10.12% as determined by the Illinois Department of Revenue, which is greater than the value reflected by the sales price. The board of review presented descriptions and assessment information on four comparable properties consisting of 2-story masonry buildings that range in age from 53 to 82 years old. The buildings range in size from 2,582 to 3,050 square feet of building area. All comparables feature partial unfinished basements and 1½, 2 or 3½-car garages. Three have central air conditioning. These properties have improvement assessments ranging from \$14.25 to \$15.43 per square foot of building area. The board of review also disclosed that the subject parcel was purchased in June 2004 for \$390,000 and comparable #4 was purchased in June 2006 for \$400,000. The board of review also presented a list of 20 class 2-12 sales from 1991 through 2006 for prices ranging from \$38,000 to \$590,000. 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 Board further finds a reduction in the subject's assessment is warranted.

The appellant argued the subject property is overvalued based on its June 2004 sale price. When market value is the basis of the appeal, the value must be proven by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 183, 728 N.E.2d 1256 (2nd Dist. 2000). The Board finds the appellant has overcome this burden.

The Illinois Supreme Court has defined fair cash value as what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d. 428, (1970). A contemporaneous sale of property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be practically conclusive on the issue of whether an assessment is reflective of market value. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369 (1st Dist. 1983), People ex rel. Munson v. Morningside Heights, Inc, 45 Ill.2d 338 (1970), People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967); and People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945).

The Property Tax Appeal Board finds this record shows the appellant purchased the subject property for \$390,000 (or \$146.95 per square foot of building area including land) in June 2004, 18 months before the subject's January 1, 2006 assessment date. The Board finds the best evidence of the subject's fair market value

is its June 2004 sale price of \$390,000. The board of review did not submit any evidence challenging the arm's length nature of the subject's sale. The Board finds the subject's sale price is supported by the sale of the board of review's comparable #4 for nearly the same price per square foot. The subject's assessment of \$43,337 reflects an estimated market value of \$428,231 using Cook County's 2006 three-year median level or assessments for Class 2 residential property of 10.12%, which is higher than its 2004 sale price. Therefore the Board finds a reduction in the subject's assessment is warranted based on overvaluation.

The Board gave little weight to the list of 20 suggested comparables sales contained in the board of review's submission of evidence, due to lack of detailed description for comparison to the subject.

The appellant also contends unequal treatment in the subject's improvement assessment as one of the bases of the appeal. 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). After an analysis of the assessment data, the Board finds the appellant has not met this burden.

The Board finds all the comparables submitted by the appellant were nearly twice as large as the subject and therefore received little weight in the Board's analysis. Therefore the Board finds the appellant has not proven through clear and convincing evidence that the subject is inequitably assessed, and therefore no additional reduction in the improvement assessment is warranted based on lack of uniformity.

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.