



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

APPELLANT: Antohony Melaragno
DOCKET NO.: 06-31134.001-R-1
PARCEL NO.: 17-17-113-111-0000

The parties of record before the Property Tax Appeal Board are Antohony Melaragno, 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: \$5,324
IMPR.: \$40,216
TOTAL: \$45,540

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 918 square foot parcel of land improved with a seven-year old, three-story, masonry, single-family dwelling containing 1,859 square feet of living area, three baths, a fireplace, and air conditioning. The appellant argued both unequal treatment in the assessment process and that the market value of the subject property is not accurately reflected in the property's assessed valuation as the bases of this appeal.

In support of the equity argument, the appellant, via counsel, submitted descriptions and assessment information on a total of 12 properties suggested as comparable and located within subject's neighborhood. The properties are described as three-story, masonry, single-family dwellings with between two and three and one-half baths, a fireplace, and air conditioning. The properties range: in age from seven to nine years; in size from 1,812 to 1,966 square feet of living area; and in improvement assessments from \$20.68 to \$24.89 per square foot of living area.

In support of the market value argument, the appellant submitted copies of the warranty deeds and legal descriptions for five properties suggested as comparable. These properties are described as three-story, masonry, single-family dwellings with three baths, a fireplace, and air conditioning. The properties are seven years old and contain 1,794 square feet of living area. They sold between May 2004 and February 2007 for prices ranging from \$395,000 to \$425,000, or from \$220.18 to \$236.90 per square foot of living area. Although the grid lists the sales as all occurring in 2007, the deeds show different sale dates. Comparables #3 and #5 include a second property identification number of each deed. 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 total assessment of \$52,308 with an improvement assessment of \$46,984 or \$25.27 per square foot of living area was disclosed. This assessment reflects a market value of \$516,877 or \$278.04 per square foot of living area using the Illinois Department of Revenue's 2006 three year median level of assessment of 10.12% for Cook County Class 2 property. In support of the subject's assessment, the board of review presented descriptions and assessment information on a total of four properties suggested as comparable and located on the subject's block. The properties are described as three-story, masonry, single-family dwellings with three baths, a fireplace, and air conditioning. The properties are seven years old, contain 1,859 square feet of living area, and have improvement assessment of \$25.57 per square foot of living area. Three properties sold from April 2004 to May 2006 for prices ranging from \$387,851 to \$509,500 or \$208.63 to \$274.07 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant's attorney asserted that the subject was overvalued and over assessed based on a review of the suggested comparables.

The board of review's representative, Nick Jordan, argued that the sales occurred in 2007 after the lien year in question. He also asserted that the board does not purport the sales included in the board's evidence to be arm's length as there is no evidence to support this.

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.

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 based on market value is warranted.

The parties submitted a total of eight properties suggested as comparable to the subject. The PTAB finds the appellant's comparables #1, #2 and #4 and the board of review's comparables similar to the subject in design, construction, size, location, and age with the board of review's comparables the most similar. The PTAB gives little weight to the board's assertion that the sales information in the board's evidence is not arm's length sales as it is included as evidence in the board of review's documentation. The board should not have included this evidence if they questioned the sales information. Due to their similarities to the subject, these comparables received the most weight in the PTAB's analysis. The properties are masonry, three-story, single-family dwellings. The properties are seven years old and contain 1,794 or 1,859 square feet of living area. They sold between May 2004 and February 2007 for prices ranging from \$387,851 to \$509,500, or from \$208.63 to \$274.07 per square foot of living area. In comparison, the subject's assessment reflects a market value of \$278.04 per square foot of living area is above the range of these comparables. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's per square foot assessment is not supported and a reduction in the subject's assessment is warranted. The PTAB further finds that an analysis of the equity argument is not necessary.

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

Acting 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 20, 2012

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.