



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

APPELLANT: Galtee Homes, Inc.
DOCKET NO.: 07-20820.001-R-1
PARCEL NO.: 31-04-414-014-0000

The parties of record before the Property Tax Appeal Board are Galtee Homes, Inc., the appellant(s), by attorney George Michael Keane, Jr., of Keane and Keane in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$5,389
IMPR.: \$18,624
TOTAL: \$24,013

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 11,228 square feet of land. The improvement on the property was in the process of building built. The appellant argued the fair market value is not accurately reflected in the assessed value.

In support of this argument, the appellant, via counsel, submitted a brief asserting that the subject property was purchased with four other parcels, that one parcel was improved and sold, and that the subject was in the process of being improved and sold. The appellant submitted assessor website printouts for the subject the four parcels purchased with the subject, recorder of deeds printouts for the sale of the companion parcel, a copy of an affidavit from the building indicating the first contract for the purchase of the subject property was terminated and a new contract is pending, a copy of a letter terminating the first purchase contract, and a copy of the warranty deed for the sale of the subject based on the second purchase contract. Based on this evidence, the appellant

requested a reduction in the subject's assessment to reflect a vacant lot.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$24,013 was disclosed. Of this amount, \$18,624 was allocated to the improvement. The property characteristic printout for the subject property shows the improvement received a 58.9% occupancy factor. This printout further shows that the subject was appraised on April 10, 2007 and partial occupancy was noted. In support of the subject's assessment, the board of review presented descriptions and assessment information on three properties suggested as comparable to the subject and located on the subject's block. The properties consist of two-story, frame and masonry, single-family dwellings. The properties are one years-old, contain 3,780 square feet of living area, and have improvement assessments from \$4.65 to \$6.26 per square foot of living area. The property characteristics show these properties received occupancy factors from 55.6% to 74.8%. 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 not warranted.

Section 9-160 of the Property Tax Code provides:

On or before June 1 in each year other than the general assessment year * * * the assessor shall list and assess all property which becomes taxable and which is not upon the general assessment, and also make and return a list of all new or added buildings, structures or other improvements of any kind, the value of which had not been previously added to or included in the valuation of the property on which such improvements have been made, specifying the property on which each of the improvements has been made, the kind of improvement and the value which, in his or her opinion, has been added to the property by the improvements. The assessment shall also include or exclude, on a proportionate basis in accordance with the provisions of Section 9-180, all new or added buildings, structures or other improvements, the value of which was not included in the valuation of the property for that year, and all improvements which were destroyed or removed. 35 ILCS 200/9-160.

The PTAB finds that the appellant was in the process of constructing a single-family dwelling on the subject property during the lien year. The appellant failed to submit any evidence to establish that the subject was not substantially complete with a roof at any time in 2007. Moreover, the appellant showed that the subject was under

contract prior to October 2007 when this contract was terminated.

The courts have found that a token assessment to the extent that the improvement adds value can be applied when the improvement is substantially completed. Long Grove Manor v. Property Tax Appeal Bd., 301 Ill.App.3d 654, 704 N.E.2d 872 (2d Dist. 1998). The courts have rejected the argument that a property that is not "under roof" cannot be taxed. Id. at 302.

In this matter, the PTAB finds the appellant failed to show the subject property was not under roof and substantially complete as established in Long Grove Manner. The PTAB further finds that the board of review placed a partial assessment on the property for the lien year which indicates to the PTAB that there was some value in the improvement as it stood. Therefore, the PTAB finds that the board of review has correctly assessed the subject property and a reduction is not 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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: August 28, 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.