



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

APPELLANT: Michael C. O'Connor
DOCKET NO.: 07-22316.001-R-1
PARCEL NO.: 14-21-106-041-1001

The parties of record before the Property Tax Appeal Board are Michael C. O'Connor, the appellant(s); 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: \$ 679
IMPR.: \$ 11,515
TOTAL: \$ 12,194

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of an 83-year-old, residential condominium unit situated within a 50 unit, four-story condominium building located in Lake View Township, Cook County. The subject consists of a garden apartment unit containing 575 square feet of living area with one full bathroom.

The appellant appeared before the Property Tax Appeal Board claiming unequal treatment in the assessment process of the improvement as the basis of the appeal. In support of this claim, the appellant submitted assessment data and descriptive information on three suggested comparable properties located within three blocks of the subject. The three suggested comparables consist of basement/garden or ground units with one bathroom and located within multi-story, masonry constructed buildings, three of which are vintage courtyard buildings and one modern non-courtyard. The appellant's evidence disclosed that the total assessments range from \$5,051 to \$11,081 per unit with

the improvement assessments ranging from \$4,514 to \$10,218. The appellant's evidence disclosed that the subject was purchased in 1998 for a price of \$61,000.

At hearing, the appellant argued that the three comparables provided by the appellant are basement/garden or ground units similar to the subject in location, design and exterior construction. Based on the evidence submitted, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$12,194 was disclosed. Of this amount \$11,515 is allocated to the improvement and \$679 is allocated to the land. The board also presented the methodology used to estimate the subject's fair market value. The board of review's evidence revealed that between 2005 and 2007 sixteen units within the subject's building sold. Total consideration for the sixteen sales was \$3,476,000 and of that amount \$104,000 or \$6,500 per unit was deducted for personal property. Thus, the total adjusted consideration was \$3,372,000. The board estimated the total market value of the condominium building using the adjusted sales price and the total of the percentage of interest of the units which sold, or 34.47%, to conclude a total market value for the subject building of \$9,782,419. The subject's percentage of interest of 1.34% was then applied to the total building value to determine fair market value of \$131,084 for the subject. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant argued that the open market considers a garden unit inferior to above ground units and accordingly demands a discount. The appellant also argued that not only is the board of review's market analysis a flawed formula for valuing units within a condominium building but also inequitable when considering physically similar nearby properties.

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. The appellant's argument was unequal treatment in the assessment process. The Illinois Supreme Court has held that 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). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellant has not overcome this burden.

The evidence in this record disclosed that the practice in Cook County when assessing condominiums is to utilize the percentage of ownership, as contained in the condominium declaration, as

the factor to pro-rate assessments to individual unit owners. The evidence demonstrated that the board of review used actual sales of sixteen condominium units to estimate the overall value of the subject's building. The overall market value of the condominium building is then apportioned to the individual units using each unit's percentage of ownership.

Next, the Property Tax Appeal Board finds that the appellant presented assessment data and limited descriptive information on three properties suggested as comparable to the subject. Although the three suggested comparables appear to be similar to the subject in location and exterior construction, the appellant failed to provide the percentage of ownership, number of units, size of living area, size of land area as well as amenities such as number of fireplaces associated with each property. The Property Tax Appeal Board finds that the appellant's descriptive information with regard to the comparables is inadequate to determine their similarity or dissimilarity when compared to the subject. Section 1910.65(b) of the Official Rules of the Property Tax Appeal Board (86 Ill. Adm. Code §1910.65(b)) requires documentation establishing the physical, locational, and jurisdictional similarities of the suggested comparables to the subject. Consequently, the Board finds it was unable to make an in depth analysis of these properties to make a definitive comparability finding. Therefore, the Board finds that the evidence submitted by the appellant is insufficient to effect a change in the subject's assessment.

As a result of this analysis, the Property Tax Appeal Board finds the appellant has failed to adequately demonstrate that the subject property was inequitably assessed by clear and convincing evidence 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.

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: November 25, 2009

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.