



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

APPELLANT: Vincent O'Hagen
DOCKET NO.: 07-23372.001-R-1
PARCEL NO.: 12-02-410-011-0000

The parties of record before the Property Tax Appeal Board are Vincent O'Hagen, the appellant, by attorney Herbert B. Rosenberg, of Schoenberg Finkel Newman & Rosenberg LLC 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: \$ 9,576
IMPR.: \$ 55,651
TOTAL: \$ 65,227

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 6,650 square foot parcel of land improved with a three-year old, two-story, masonry, single-family dwelling containing 3,056 square feet of living area, two and one-half baths, one fireplace, central air conditioning, and a full, unfinished basement. The appellant argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant argues that the subject was purchased in June 2004 for \$310,000 for demolition of the improvement; the improvement was subsequently demolished in 2004; and construction began on a new improvement and was completed in May 2005 according to the attached City of Park Ridge Occupancy Permit. The appellant asserts that the construction costs for the new improvement are the best indication of value for the subject. The appellant also asserts the total costs for construction were \$299,354 but that this amount does not include the contractor costs, as the taxpayer

acted as his own contractor. The sworn contractor's statement, however, indicates that the total contract amount was \$311,269.

The appellant submitted several documents to support his position. These documents are: a copy of a general permit from the City of Park Ridge dated August 2004; a copy of a certificate of occupancy for the subject dated May 19, 2005; a copy of the closing statement and recorded Warranty Deed for the purchase of the property prior to demolition in June 2004 for \$310,000; and an itemized list of costs for the improvement at \$311,269, and \$299,354 applying credits. Based on this analysis, the appellant requests a reduction in the subject's assessed value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$65,227 was disclosed. This assessment reflects a market value of \$649,671 using the Department of Revenue's 2007 three-year median level of assessment of 10.04% for Cook County, Class 2 property. In support of the subject's assessment, the board of review presented descriptions and assessment information, as well as black and white photographs, on a total of four properties suggested as comparable and located within the subject's neighborhood. The properties are described as two-story, masonry, single-family dwellings with two and one-half baths, central air conditioning, one fireplace, a full, finished or unfinished basement, and a one or two-car garage. The properties range: in age from one to eight years; in size from 2,619 to 2,807 square feet of living area; and in improvement assessment from \$23.10 to \$25.89 per square foot of living area. The grid sheet also evidenced the sale of comparable #3 in April 2006 for \$895,000, or \$332.10 per square foot, including land. The sale of the property prior to demolition in June 2004 for \$310,000, or \$101.44 per square foot, including land, was also noted. The board of review also included copies of permit records indicating permit amounts for: \$361,044.00 for demolition, construction of a new residence and a garage carport; \$1,800.00 for fencing; and \$7,200.00 for a driveway, patio and wood deck. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a letter arguing that the board of review did not address the market value argument and the comparables they did provide are superior to the subject. He further reiterated the best evidence of market value was the purchase price of the land and the costs to construct the improvement at a total amount of \$621,669, then applied an 8.8% assessment to purchase ratio, as is indicated by the board of review's comparable #3's recent sale price and 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.

When overvaluation is claimed, the appellant has the burden of proving the value of the property by a preponderance of the evidence. Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 339 Ill. App. 3d 529, 545 (1st Dist. 2002); National City Bank of Michigan/Illinois v. Prop. Tax Appeal Bd., 331 Ill. App. 3d 1038, 1042 (3d Dist. 2002) (citing Winnebago Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 313 Ill. App. 3d 179 (2d Dist. 2000)); 86 Ill. Admin. Code § 1910.63(e). 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. Calumet Transfer, LLC v. Prop. Tax Appeal Bd., 401 Ill. App. 3d 652, 655 (1st Dist. 2010); 86 Ill. Admin. Code. § 1910.65(c). Having considered the evidence presented, the Board finds that a reduction is not warranted.

In determining the subject's market value, the Board finds the best evidence of the subject's market value to be the purchase price for the land and the construction costs. The Board finds the subject property was purchased for its land value in June 2004 for \$310,000. The remaining evidence in its entirety shows that the subject was built at a cost of \$311,269. Because the appellant was the general contractor on the project, additional costs of 20% are added to the construction price to account for these additional fees. Therefore, the Board finds the subject market value to be \$683,523. This market value is also consistent with the permit amounts submitted by the board of review. Since market value has been determined, the Illinois Department of Revenue 2007 three year median level of assessment for class 2 property of 10.04% shall apply, indicating that a reduction in the subject's assessment 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

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: February 22, 2013

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.