



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

APPELLANT: Ted Gauza
DOCKET NO.: 07-23946.001-R-1
PARCEL NO.: 09-16-202-103-0000

The parties of record before the Property Tax Appeal Board are Ted Gauza, the appellant(s), by attorney Edward Larkin, of Larkin & Larkin in Park Ridge; 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: \$ 29,068
IMPR.: \$ 85,647
TOTAL: \$114,715

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 31,596 square feet of land and is improved with a three year old, two-story, masonry, single-family dwelling containing 5,759 square feet of living area. The subject includes three and one-half baths, a full unfinished basement, air conditioning, a fireplace, and a three-car garage. The appellant, via counsel, argued that the market value of the subject property is not accurately reflected in its assessed value. The appellant made two separate market value arguments: one concerning the land's market value, and the other concerning the improvement's market value.

In support of the land's market value, the appellant submitted a Plat of Survey of the subject. The survey is dated September 3, 2003, and was undertaken by Donald A. Miller, a State of Illinois certified Professional Land Surveyor. The survey shows that most of the back portion of the subject is a drainage easement. The measurements of the drainage easement are listed as 95.26 feet wide by 150.00 feet long, or 14,289 square feet. The appellant's pleadings ask that the portion of the land used for the drainage easement be assessed at \$0.25 per square foot of land because the drainage easement is used as flood control for the benefit of surrounding public and private properties. The pleadings also state that the land was purchased in September 2003 for \$190,000.

In support of the improvement's market value, the appellant submitted a settlement statement stating that the subject was refinanced in August 2005 for \$693,000. The appellant also submitted a title insurance document dated June 27, 2005, which states that the title for the property with PIN 09-16-202-022-0000 is insured by Real Estate Services Group for \$693,000. The appellant's pleadings state that, after the land was purchased, the improvement was constructed for \$499,951.76. 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 \$114,715 was disclosed. This assessment yields a market value of \$1,142,580 for the subject, using the 2007 Illinois Department of Revenue three-year median level of assessment for class 2 property of 10.04%. This market value equates to \$198.40 per square foot of living area for the subject. The board of review's evidence consisted of a printout from the Cook County Recorder of Deeds website showing that the deed for the subject was recorded on October 1, 2003, and was purchased for \$190,000. A handwritten note stating "Original purchase price and const. costs!" was in the upper-right-hand corner of the printout. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant stated that the board of review did not address any of the appellant's arguments. The appellant also re-affirmed the evidence previously submitted.

After reviewing the record and considering the evidence, the Property Tax Appeal Board (the "Board") finds that it has jurisdiction over the parties and the subject matter of this appeal. 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 concludes that the evidence indicates a reduction is not warranted.

The Board finds that the appellant has not proven, by a preponderance of the evidence, that the subject's land assessment or improvement assessment are inconsistent with their respective market values. With regard to the land market value argument, the Board finds that the appellant did not provide any evidence to support the assertion in the pleadings that the drainage

easement should be assessed at \$0.25 per square foot. Additionally, the board of review did provide a printout showing that the subject was purchased by the appellant in 2003 for \$190,000. According to the appellant's pleadings, at this time, the land was vacant. However, the Board finds that this sale is too remote in time to consider whether the sale price reflects the subject's land value for tax year 2007.

With regard to the improvement market value argument, the Board finds that the appellant did not provide enough evidence to prove the improvement's market value is incorrect. The title insurance document describes a property with a different PIN, and, therefore, is inapplicable. The settlement statement shows that the property was refinanced in August 2005, and that the principal amount for the new loan was \$693,000. The appellant's pleadings state that this amount was for the land and construction costs. However, the appellant did not provide any receipts stating the cost of the construction. A mortgage refinance cannot substitute for an arm's-length sale of the subject. Furthermore, no appraisal or descriptive information of recently sold comparable properties was submitted.

Based on the foregoing, the Board finds that the appellant has failed to prove, by a preponderance of the evidence, that the subject's land and improvement assessments do not reflect their market values as of tax year 2007.

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: 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.