



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

APPELLANT: George Franks
DOCKET NO.: 07-25522.001-R-1
PARCEL NO.: 02-16-309-018-1003

The parties of record before the Property Tax Appeal Board are George Franks, the appellant, by attorney Joseph G. Kusper, of Storino Ramello & Durkin in Rosemont; 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: \$7,039
IMPR.: \$43,926
TOTAL: \$48,925

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 41 unit, 15 years old, residential condominium building, situated on a 364,607 square foot parcel located in Oak Park Township, Cook County.

The appellant, through counsel, submitted evidence before the PTAB arguing overvaluation based on the recent sale of 14 of the subject's 14 residential units. In support of this claim, the appellant's evidence disclosed the total purchase price for the 14 units sold to be \$5,906,000. The 14 sales occurred between April, 2003 and February, 2006 for prices ranging from \$325,000 to \$565,000. However, of the total 14 sales, six sales occur from January, 2004 to December 30, 2006 for prices ranging from \$377,000 to \$560,000. The appellant then adjusted the sales price by applying the total of the percentages of ownership of the 14 units sold, or 100%, to conclude a total market value for the subject building of \$5,864,000.

The appellant's attorney submitted a two-page brief; copies of warranty deeds and a Condominium Summary. In addition, a copy of the board of review's decision disclosing the subject's total

combined final assessment of \$48,925 for 2007 was provided. Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$43,787 which reflects a market value of \$437,870 when utilizing a 10% level of assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's total combined final assessment of \$48,925. The subject's assessment reflects a fair market value of \$487,301 when the 2007 Illinois Department of Revenue's three-year median level of assessments of 10.04% for Class 2 property, such as the subject, is applied. The board of review also submitted a memo and sales analysis from Matt Panush, Cook County Board of Review Analyst. Mr. Panush's analysis used five sales within the subject's building which occurred between July 2004 and September 2006. Total consideration from the five sales was \$2,400,000. Of that amount \$48,000, or \$9,600 per unit, was deducted for personal property. Thus, the total adjusted sales price for the real estate was calculated to be \$2,352,000. The board's analyst then adjusted the sales price by applying the total of the percentages of ownership of the units which sold, or 11.6594%, to conclude a total market value for the subject building of \$1,725,593. Based on the evidence presented, 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 appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved 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 arms-length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. (86 Ill.Adm.Code §1910.65(c)) Having considered the evidence presented, the Board finds the appellant has not satisfied this burden and a reduction is not warranted.

In this appeal, the PTAB was provided with sales information by both parties. The appellant provided fourteen unit sales while the board of review provided five unit sales. The PTAB finds the appellant used eight sales that occurred from January, 2002 to December 30, 2003 for prices ranging from \$377,000 to \$560,000 are not recent sales and therefore give little weight to these comparables. Therefore, the Board finds the appellant's market value argument is without merit. Furthermore, the Board finds the sales analysis provided by the board of review supports the subject's current assessment.

Based on the evidence submitted, the PTAB finds that the subject's assessment as established by the board of review is correct. Therefore, the PTAB finds 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

Frank J. Huff

Member

Member

Shawn R. Lerbis

Member

Member

Mario M. Louie

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: September 23, 2011

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.