



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

APPELLANT: Dragi Trakilovic
DOCKET NO.: 07-28573.001-R-1
PARCEL NO.: 03-29-414-005-0000

The parties of record before the Property Tax Appeal Board are Dragi Trakilovic, 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: \$ 9,345
IMPR.: \$ 21,816
TOTAL: \$ 31,161

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 10,620 square foot parcel improved with a 60-year-old, one-story, single-family dwelling of masonry construction containing 1,225 square feet of living area. Features of the residence include one full bathroom, central air-conditioning, two fireplaces and a one-car attached garage. The subject is built with crawl space and located in Wheeling Township, Cook County.

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 four properties suggested as comparable to the subject. The appellant also submitted a two-page letter, photographs and Cook County Assessor's Internet Database sheets for the subject and the suggested comparables, a copy of the board of review's decision as well as other information. Based

on the appellant's documents, the four suggested comparables consist of one-story, single-family dwellings of masonry or frame and masonry construction located within one mile of the subject. The improvements range in size from 1,129 to 1,800 square feet of living area and range in age from 54 to 60 years. The comparables contain from one to three full bathrooms and a fireplace. Two comparables have a full-unfinished basement, one comparable has central air-conditioning and three comparables contain a one-car or two-car garage. The improvement assessments range from \$15.26 to \$16.82 per square foot of living area.

At hearing, the appellant argued that the subject's assessment increased by 94% from the prior triennial and by a greater percentage increase than similar properties in Wheeling Township which increased by an average of 26.6%. 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" disclosing the subject's total assessment of \$31,161. The subject's improvement assessment is \$21,816 or \$17.81 per square foot of living area. In support of the assessment the board submitted property characteristic printouts and descriptive data on four properties suggested as comparable to the subject. The suggested comparables are improved with one-story, single-family dwellings of masonry construction with the same neighborhood code as the subject. The improvements range in size from 1,126 to 1,253 square feet of living area and range in age from 54 to 59 years. The comparables contain one full bathroom and a two-car garage. Three comparables contain a finished or unfinished basement, one comparable has central air-conditioning and three comparables have fireplaces. The improvement assessments range from \$20.17 to \$22.83 per square foot of living area.

At hearing, the board's representative stated that the board of review would rest on the written evidence submissions. Based on the evidence presented, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a two-page letter again arguing that the subject's assessment increased by a greater percentage than similar properties in Wheeling Township.

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 appellants' 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 Board finds the board of review's comparables to be the most similar properties to the subject in the record. These four properties are similar to the subject in improvement size, amenities, age, exterior construction and location and have improvement assessments ranging from \$20.17 to \$22.83 per square foot of living area. The subject's per square foot improvement assessment of \$17.81 falls below the range established by these properties. The Board finds the appellant's comparables one, two and three are significantly larger in size of living area as compared to the subject and accorded less weight. Accepted assessment theory suggests that as building size increases the value per square foot decreases, all other things being equal. In this case, the Board finds this theory is exemplified; the larger dwellings have lower per square foot assessments; and the smaller dwellings have higher per square foot assessments. In addition, the Board finds the appellant's comparables three and four are inferior to the subject in exterior construction and accorded less weight. After considering adjustments and the differences in both parties' suggested comparables when compared to the subject, the Board finds the subject's per square foot improvement assessment is supported by the most similar properties contained in the record.

Next, the Board finds the appellant's argument that the subject's assessment increased by a greater percentage than similar properties in Wheeling Township unpersuasive. The fact that the subject's assessment may have increased by a greater percentage than other properties in the neighborhood does not support the contention of unequal treatment. The cornerstone of uniformity in assessment is the fair market value of the property. Kankakee County Board of Review v. Property Tax Appeal Board, 544 N.E.2d at 771. That is properties with similar market values should have similar assessments. Unequal treatment in the assessment process is demonstrated when properties of similar market values are assessed at substantially different levels. The mere contention that assessments among neighboring properties changed from one year to the next at different rates does not demonstrate that the properties are assessed at substantially different levels of fair market value.

As a result of this analysis, the Property Tax Appeal Board finds the appellant has failed to adequately demonstrate that the subject dwelling 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: April 23, 2010

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.