



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

APPELLANT: Virginia McGarrity
DOCKET NO.: 07-29736.001-R-1
PARCEL NO.: 04-25-314-026-0000

The parties of record before the Property Tax Appeal Board are Virginia McGarrity, the appellant(s), by attorney James E. Doherty, of Thomas M. Tully & Associates in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction 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: \$11,422
IMPR.: \$19,338
TOTAL: \$30,760

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 9,519 square foot parcel of land improved with an 84-year old, one and one-half-story, frame and masonry, single-family dwelling containing 1,773 square feet of living area, one and one-half baths, air conditioning, a fireplace, and a full unfinished basement. The appellant, via counsel, argued that the market value of the subject property is not accurately reflected in its assessed value.

In support of this overvaluation argument, the appellant submitted a brief asserting that the subject was purchased on May 31, 2007 for \$475,000. The brief further asserts that the subject property was not habitable after the sale date due to renovation of the improvement until the end of November and that the appellant began occupying the dwelling in December 2007. The appellant is requesting a 20% occupancy factor be applied to the improvement's assessment for the time the property was not habitable. The appellant also submitted: a copy of the settlement statement showing the subject sold on May 31, 2007 for \$475,000; a copy of the building permit dated June 14, 2007; fuzzy, black

and white photographs of the subject; a copy of an occupancy affidavit signed by the appellant indicating the subject was vacant from January to December 2007; and an affidavit from the appellant attesting that the property was purchased in May 2007, renovation began after the purchase, and that the appellant moved into the residence on December 5, 2007. Based on this evidence the appellant requested the subject's assessment be reduced.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$47,500 was disclosed. This assessment reflects a market value of \$473,107 using the Illinois Department of Revenue's 2007 three year median level of assessment for class 2 property of 10.04%. In support of the subject's assessment, the board of review submitted descriptions, assessment and market value information on the sale of two properties located within the subject's neighborhood. These properties are described as one and one-half story, frame and masonry, single-family dwellings with between one and two and one-half baths, air conditioning for two properties, a fireplace for three, and partial or full basements. The properties range: in age from 51 to 67 years; in size from 1,501 to 1,798 square feet of living area; and in improvement assessments from \$19.89 to \$35.56 per square foot of living area. One property sold in August 2007 for \$510,000 or \$315.99 per square foot of living area. The board also included the sale of the subject in May 2007. As a result of this analysis, the board 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 Board further finds the evidence in the record supports a reduction in the subject's assessment.

When overvaluation is claimed the appellant has the burden of proving the value of the property 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 arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code 1910.65(c). Having considered the evidence presented, the PTAB concludes that the evidence indicates a reduction is not warranted.

As to the appellant's occupancy argument, the PTAB finds the appellant submitted sufficient evidence to show the subject property was not habitable from June 14, 2007 through November 30, 2007 or 46.4% of the lien year. The PTAB further finds the subject's assessment is reflective of the purchase price. Therefore, the PTAB finds an occupancy factor of 53.6% should apply to the subject's improvement and a reduction is 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.

Donald 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: May 18, 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.