



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

APPELLANT: Michael Krugman
DOCKET NO.: 07-29981.001-R-1
PARCEL NO.: 03-12-300-165-0000

The parties of record before the Property Tax Appeal Board are Michael Krugman, the appellant, by attorney Stephanie Park, of Park & Longstreet, P.C. in Rolling Meadows; 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: \$ 2,072
IMPR.: \$ 46,024
TOTAL: \$ 48,096

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 28-year old, two-story, masonry, multi-family dwelling. It contains 4,740 square feet of living area and is situated on a 2,591 square foot lot. Features include six full baths, nine bedrooms, and a full, finished basement with an apartment. The appellant 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 copy of a settlement statement indicating that the subject sold in February 2004 for \$960,000. In a written brief, the appellant's attorney indicated that this settlement statement reflects the combined price for two properties that were purchased simultaneously. The appellant failed to submit any additional details including sale information requested on the Board's appeal form. Based on this evidence, the appellant requested the subject's assessment be reduced to reflect the subject's purchase price.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$49,636 was disclosed. This assessment reflects a market value of \$494,382 using the Illinois 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 submitted descriptive and assessment data, as well as black and white photographs, relating to four suggested comparables located within a one block radius of the subject. The properties are improved with a 26-year old, 4,740 square foot, two-story, masonry, multi-family dwelling. They range in improvement assessment from \$10.09 to \$10.34 per square foot. Amenities for the comparables include six full baths, nine bedrooms, and a full, finished basement with an apartment. The board's grid sheet also evidenced the sale of the subject in January 2004 for \$496,368, or \$104.72 per square foot, including land. As a result of this analysis, the board requested confirmation of the subject's assessment.

At hearing, the appellant's attorney re-affirmed the evidence previously submitted. A county print-out was also submitted as "Exhibit 1" which indicated that the subject's total assessment was reduced by the board of review in 2008, then further reduced by the assessor and board of review in 2009. The appellant's attorney argued that the subject's assessment should be reduced pursuant to Hoyne Savings & Loan Assoc. v. Hare, 60 Ill.2d 84, 90, 322 N.E.2d 833, 836 (1974); 400 Condominium Assoc. v. Tully, 79 Ill.App.3d 686, 690, 398 N.E.2d 951, 954 (1st Dist. 1979) wherein the court found, "a substantial reduction in the subsequent year's assessment is indicative of the validity of the prior year's assessment." The board of review's representative argued that the appellant's attorney could only surmise the reason for the subject's 2008 reduction and that the 2009 reduction was a result of the passage of Cook County Ordinance No. 08-O-51 (September 17, 2008) (the "10/25 Ordinance") which reduced the statutory level of assessment for Class 2 properties from 16% to 10% of fair market value and, therefore, the Hoyne Savings and Loan Association case is not applicable.

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 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 Board finds that the appellant has not met the burden of demonstrating that the subject is overvalued and that a reduction on this basis is not warranted.

The Board finds that the appellant did not submit any evidence as to how the combined purchase price was to be allocated between the two properties that were purchased simultaneously. Additionally, the appellant provided no evidence that this property was an arm's-length sale that was advertised on the open market. In fact, the board of review's grid sheet indicates that the price paid for the subject property was \$496,368, which is higher than the market value indicated by the subject current assessed value.

However, the Board finds the appellant also included evidence of the 2008 assessment for the subject property. This year is within the triennial assessment cycle that is the subject of this appeal. The Board finds that "a substantial reduction in the subsequent year's assessment is indicative of the validity of the prior year's assessment" according to Hoyne Savings & Loan Assoc. v. Hare. Therefore, the Board finds that based upon the board of review's 2008 assessment reduction, it is appropriate to reduce the appellant's 2007 total assessment to \$48,096. Thereby, the Board finds that a reduction in the subject's assessment is warranted. The Board finds no reduction is warranted pursuant to the Hoyne decision as it pertains to the 2009 assessment reduction. The Cook County Real Property Assessment Classification Ordinance level of assessment for Class 2 properties was 16% in 2007 and was 10% in 2009. Therefore, the Board finds no further reduction in the subject's assessment 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: November 30, 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.