



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

APPELLANT: Jane Goldenberg & Tom Schwarz
DOCKET NO.: 08-21838.001-R-1
PARCEL NO.: 05-30-201-025-0000

The parties of record before the Property Tax Appeal Board are Jane Goldenberg & Tom Schwarz, the appellant(s); 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: \$95,082
IMPR: \$36,121
TOTAL: \$131,203

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 46,609 square foot parcel of land improved with a single-family dwelling on January 1, 2008. The appellant argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant asserted that the subject's improvement was destroyed by flood on September 13, 2008 due to a severe rain storm that rendered the subject's neighborhood a federal disaster site. The appellant submitted a copy of a letter from the Village of Northfield stating the improvement was not suitable for habitation after the home was severely damaged in a flood following the storm event of September 13 and 14, 2008. The appellant also included colored photographs of the subject prior to and after the flood and a multiple listing service printout indicating the subject was advertised for sale as vacant land. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$146,721 and the improvement assessment was \$51,639 or \$10.08 per square foot of living area. The board also submitted a grid analysis listing characteristics and assessment data for four properties suggested as comparable to the subject. These properties are one-story, frame and masonry, single-family dwellings. The properties range: in age from 50 to 53 years; in size from 2,382 to 5,757 square feet of living area; and in improvement assessment from \$17.80 to \$18.16 per square foot of living area. As a result of its analysis, the board requested confirmation of the subject's assessment.

At hearing, the appellant, Jane Goldenberg, testified the home was flooded by storms that started on September 13, 2008. She further testified that they have to vacate the home because it was no longer livable and was eventually torn down. She argues that the law allows for a diminution of assessment on the improvement due to a natural disaster. She testified that she was living in the home prior to the storms. Ms. Goldenberg asserted that the reduction she received at the board of review level was not based on the destruction of the home, but was based on a review of the market; she argued the reduction was only 13% which would not account for all.

The board of review's representative, Michael Terebo, acknowledged that the board of review's evidence does not show that any vacancy factor was applied to the subject property in 2008. He testified that the board would normally apply an occupancy factor based on the existence of the improvement prior to the flood. Mr. Terebo further testified that they would count the number of days the improvement was habitable out of the 365 days of the year and the balance of the remaining days would be the vacancy factor applied to the improvement 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 warranted.

In the instant case, the PTAB finds that the appellant submitted sufficient evidence to show that the subject's improvement was destroyed by flood on September 13, 2008 and rendered uninhabitable. The board of review's representative acknowledged that the county's policy when a property is destroyed is to assess the improvement for the days prior to the destruction. The county testified that a vacancy factor for the time the

improvement was uninhabitable would be applied to the improvements assessment. The PTAB finds that the subject's improvement was destroyed by natural causes and a 70% occupancy factor should apply. Therefore, the PTAB finds that 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.

Ronald R. Cuit

Chairman

Frank J. Huff

Member

Member

Mario M. Louie

Shawn R. Lerbis

Member

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: 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.