



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

APPELLANT: Michael Gannon
DOCKET NO.: 08-23913.001-R-1
PARCEL NO.: 28-23-414-023-0000

The parties of record before the Property Tax Appeal Board are Michael Gannon, the appellant, by attorney Patrick J. Cullerton, of Thompson Coburn LLP in Chicago; 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: \$ 1,915
IMPR: \$ 9,155
TOTAL: \$ 11,070**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject has 7,980 square feet of land that is improved with a 51 year old, one-story, frame, single-family dwelling. The subject's improvement size is 1,248 square feet of living area, which equates to an improvement assessment of \$7.34 per square foot of living area. The appellant, via counsel, argued that there was unequal treatment in the assessment process of the subject's improvement as the basis of this appeal.

In support of the equity argument, the appellant submitted descriptive information, limited sales information, and 2009 and 2010 assessment data for five properties suggested as comparable to the subject. However, no 2008 assessment information was included for these properties. The comparables are described as one-story, frame or frame and masonry, single-family dwellings. Additionally, the comparables are from 53 to 58 years old and have from 806 to 1,060 square feet of living area. The comparables also have various amenities. The appellant requested uniform treatment in valuation based on the limited sales records provided. These sales ranged in sale date from March 2007 to January 2009 and in price from \$20,000 to \$62,500, or \$22.64 to \$61.27 per square foot including land. Comparables #2, #4 and #5 were sold in "as is" condition, however, no further details surrounding the circumstances of each sale were disclosed. Based

on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The Cook County Board of Review submitted its "Board of Review-Notes on Appeal," wherein the subject's improvement assessment of \$9,155 was disclosed. In support of the subject's assessment, the board of review submitted descriptive and assessment information for four properties suggested as comparable to the subject. The comparables are described as one-story, frame, single-family dwellings. Additionally, the comparables range: in age from 51 to 54 years; in size from 1,200 to 1,251 square feet of living area; and in improvement assessments from \$3.88 to \$7.77 per square foot of living area. The comparables also have several amenities. Based on this evidence, the board of review requested confirmation of the subject's improvement assessment.

At hearing, the appellant's attorney, Patrick Cullerton, rested on the evidence previously submitted. The board of review's representative tendered a map of the location of their suggested comparables, which was accepted as the board of review's "Exhibit A", and indicated that the appellant's comparable #2 is classified differently, based on square footage, than the subject property.

After reviewing the record, considering the evidence, and hearing the testimony, the Property Tax Appeal Board (the "Board") finds that it has jurisdiction over the parties and the subject matter of this appeal.

The appellant contends unequal treatment in the subject's improvement assessment as the basis of this appeal. 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. Walsh v. Prop. Tax Appeal Bd., 181 Ill. 2d 228, 234 (1998) (citing Kankakee Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 131 Ill. 2d 1 (1989)); 86 Ill. Admin. Code § 1910.63(e). To succeed in an appeal based on lack of uniformity, the appellant must submit documentation "showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property." Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 403 Ill. App. 3d 139, 145 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(b). "[T]he critical consideration is not the number of allegedly similar properties, but whether they are in fact 'comparable' to the subject property." Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 403 Ill. App. 3d at 145 (citing DuPage Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 284 Ill. App. 3d 649, 654-55 (2d Dist. 1996)). After an analysis of the assessment data, the Board finds that the appellant has not met this burden.

The appellant's argument is that uniformity can present itself in various forms. This is true, however, once a method is chosen, the Illinois Constitution requires that there be consistency in the basis of achieving uniformity of assessments. Ill. Const. of

1970, art. IX, § 4(a); Walsh v. Prop. Tax Appeal Bd., 181 Ill. 2d 228, 235 (1998) (citing Kankakee Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 131 Ill. 2d 1, 20 (1989)). Since consistency in the valuation method is constitutionally required, the Board cannot apply the appellant's uniformity valuation method in this appeal, and a different valuation method in all other instances. To do so would abridge the constitutional principle of uniformity of assessment. This Board is so bound, and it will apply the assessment equity method used by the state and county assessing officials, which is calculated by dividing the subject's improvement assessment by the improvement's building square footage.

Accordingly, the Board finds that comparables #1, #2, and #3 submitted by the board of review were most similar to the subject in location, size, style, exterior construction, features, and/or age. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables had improvement assessments that ranged from \$7.51 to \$7.77 per square foot of living area. The subject's improvement assessment of \$7.34 per square foot of living area is below the range established by the most similar comparables. Therefore, after considering adjustments and differences in the board of review's comparables when compared to the subject, the Board finds that the subject's improvement assessment is equitable, and a reduction in the subject's assessment is not warranted.

This Board additionally notes that the appellant could have made a market value argument based on the sale comparables presented, however, the circumstances surrounding those transactions were not disclosed to this Board. Accordingly, the Board finds that the current assessment placed on the subject property is fair.

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: October 18, 2013

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.