



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

APPELLANT: Ace Anodizing & Impregnating, Inc.
DOCKET NO.: 08-25151.001-I-1 through 08-25151.005-I-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Ace Anodizing & Impregnating, Inc., the appellant(s), by attorney John P. Fitzgerald, of Fitzgerald Law Group, P.C. 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
08-25151.001-I-1	15-08-420-016-0000	4,788	221	\$5,009
08-25151.002-I-1	15-08-420-017-0000	4,788	639	\$5,427
08-25151.003-I-1	15-08-420-018-0000	4,788	20,836	\$25,624
08-25151.004-I-1	15-08-420-019-0000	4,788	20,836	\$25,624
08-25151.005-I-1	15-08-420-020-0000	4,788	59	\$4,847

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 16,625 square feet of land. The 6,000 square foot warehouse building located on the subject was demolished. The appellant argues this improvement was demolished in 2008 and that the fair market value is not accurately reflected in the assessed value.

In support of this argument, the appellant, via counsel, submitted a copy of an affidavit signed by David Vaughn, president for the appellant. He attests that the subject was purchased on December 19, 2008 and that there is no building

located on the property. The affidavit is dated April 7, 2009. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$66,531 was disclosed. This assessment reflects a fair market value of \$184,808 when the Cook County Real Property Assessment Classification Ordinance level of assessments of 36% for Class 5b property is applied.

In support of the subject's assessment, the board of review presented a memorandum describing the sale of the subject in November 2008 along with additional parcels of vacant land. The memorandum also asserts that no evidence has been presented to show when the subject was demolished. It further asserts that the transfer declaration indicates the property was improved with a commercial warehouse building. Finally, the memorandum indicates the subject received an occupancy factor of 62.8% for 2008.

The board of review also submitted a copy of the PTAX-203, Illinois Real Estate Transfer Declaration. This document, dated November 2008, identifies the subject under section 8h as a commercial, warehouse building. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant's attorney argued that the affidavit states there is no building on the property.

The board of review's representative, Roland Lara, argued that the appellant failed to present any evidence when the subject was demolished. He acknowledged that the subject was demolished, but that this did not occur on the 2008 lien date of January 1, 2008. He testified that the property was assessed as vacant in 2009. Mr. Lara argued that the affidavit shows the subject was purchased in December 2008 and that a building existed at the time of sale.

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 a reduction in the subject's assessment is warranted.

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, 331Ill.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).

The PTAB finds the appellant's affidavit acknowledges the property sold in December 2008. However, Mr. Vaughn attests that no building exists on April 7, 2009. The affidavit fails to address when the building was demolished. Moreover, the PTAB finds the transfer declaration shows that a building did exist at the time of purchase either in November or December 2008. Therefore, the PTAB finds the appellant failed to prove by a preponderance of the evidence that the subject was incorrectly assessed and no 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. Crit

Chairman

K. L. Fan

Member

Richard A. Huff

Member

JR

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: February 21, 2014

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.