



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

APPELLANT: Thomas Curran
DOCKET NO.: 08-26237.001-R-1
PARCEL NO.: 18-09-307-002-0000

The parties of record before the Property Tax Appeal Board are Thomas Curran, 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 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: \$ 8,100
IMPR.: \$ 25,604
TOTAL: \$ 33,704

Subject only to the State multiplier as applicable.

ANALYSIS

The subject has 7,500 square feet of land, which is improved with a one year old, two-story, frame and masonry, single-family dwelling. The subject's improvement size is 2,656 square feet of living area, and its total assessment is \$33,704. The subjects assessment reflects a 42% occupancy factor. At full occupancy, this assessment yields a fair market value of \$719,395, after applying the 2008 Illinois Department of Revenue three year median level of assessment for Class 2 properties of 9.60%. The appellant, via counsel, argued that: the fair market value of the subject property was not accurately reflected in its assessed value; the subject is entitled to a 42% occupancy factor; and that the subject improvement size is overstated as the bases of this appeal.

In support of the market value argument, the appellant stated that the construction cost of the subject improvement was \$165,163. In support of this contention, the appellant submitted

a one page grid that listed the cost of various items utilized in the construction of the subject. This grid is unsigned and does not include any allowance for labor costs. In addition, the appellant did not submit any evidence regarding the price paid to acquire the subject land parcel.

In support of the argument that the subject is entitled to a 42% occupancy factor, the appellant submitted a vacancy affidavit and a second affidavit that stated the subject was not occupied until approximately August 1, 2008.

In support of the argument that the subject's size is overstated, the appellant submitted an affidavit that stated the subject contained approximately 2,572 square feet of living area. The appellant also submitted a copy of a schematic drawing of the subject building. The drawing is unsigned and contains a hand written computation of the subject's total square footage. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The Cook County Board of Review submitted its "Board of Review-Notes on Appeal," wherein the subject's total assessment of \$33,704, including a 42% occupancy factor, 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 two-story, frame and masonry, single-family dwellings. Additionally, the comparables range: in age from 9 to 23 years; in size from 2,468 to 2,935 square feet of living area; and in improvement assessments from \$22.82 to \$24.88 per square foot of living area. The comparables also have several amenities.

The board of review's grid sheet also states that the subject sold in June 2007 for \$285,000, or \$107.30 per square foot of living area, including land; and that Comparable #1 sold in March 2005 for \$700,000, or \$254.18 per square foot of living area, including land. The board also submitted evidence of a field check of the subject property that occurred on May 29, 2008. The board's evidence indicates that a permit in the amount of \$179,311 was issued in August 2007 for the demolition of the prior improvement and the construction of a new building. The board of review also submitted a copy of the subject's property record card that indicates the subject contains 2,656 square feet of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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

When overvaluation is claimed, the appellant has the burden of proving the value of the property by a preponderance of the evidence. Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 339 Ill. App. 3d 529, 545 (1st Dist. 2002); National City Bank of Michigan/Illinois v. Prop. Tax Appeal Bd., 331 Ill. App. 3d 1038, 1042 (3d Dist. 2002) (citing Winnebago Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 313 Ill. App. 3d 179 (2d Dist. 2000)); 86 Ill. Admin. Code § 1910.63(e). 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. Calumet Transfer, LLC v. Prop. Tax Appeal Bd., 401 Ill. App. 3d 652, 655 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(c). Having considered the evidence presented, the Board finds that the evidence indicates a reduction is not warranted.

As to the appellant's argument that the subject is overvalued based on recent construction costs, the Board finds the appellant's submission of the unsigned price list of materials used in the construction of the subject is insufficient proof of the subject's market value. The list does not indicate whether it reflects the final cost of construction, nor does the list include an allowance for labor costs. The appellant's affidavit regarding the construction costs states that the \$165,200 is an approximate amount. In addition, the appellant did not provide any evidence as to a suggested value of the subject land, nor does the appellant provide any explanation of the \$285,000 recent purchase price of the subject property. As such, the Board finds the appellant has not met the burden of proving by a preponderance of the evidence that the subject is overvalued.

As to the appellant's argument that the subject is entitled to a 42% occupancy factor, the Board finds this argument moot as the board of review submitted evidence that the subject already has a 42% occupancy factor applied to it for 2008.

As to the appellant's argument that the subject's size is overstated, the Board notes that the unsigned schematic drawing contains measurements for the first floor, but does not contain measurements for the second floor loft. Additionally, the appellant's affidavit states that the subject living area is approximately 2,572 square feet. The Board notes that the board

of review's property record card indicates that the subject is only 84 square feet larger at 2,656 square feet. The Board finds that the appellant's evidence regarding the subject's living area is not persuasive. As such, the Board finds the appellant has not met the burden of proving by a preponderance of the evidence that the subject is overvalued.

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

Mario M. Lino

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: July 18, 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.