



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

APPELLANT: Barbara Pys
DOCKET NO.: 08-27730.001-R-1
PARCEL NO.: 04-26-413-018-0000

The parties of record before the Property Tax Appeal Board are Barbara Pys, 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 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: \$14,364
IMPR.: \$47,020
TOTAL: \$61,384

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of masonry construction containing 1,826 square feet of living area. The dwelling is 50 years old. Features of the home include a partial, unfinished basement, central air conditioning, a fireplace and a two-car attached garage.

The appellant's appeal is based on both unequal treatment in the assessment process and overvaluation. In support of the equity argument, the appellant submitted information on twelve comparable properties described as one-story frame, masonry, or frame and masonry dwellings that range in age from 39 to 82 years old. The comparable dwellings range in size from 1,816 to 2,098 square feet of living area. Five of the comparables have full basements and six have partial basements. One comparable is constructed on a concrete slab foundation. Only one of the comparables has finished recreation room area in the basement. Six of the comparables have central air conditioning and eleven have two-car garages. The comparables have improvement assessments ranging from \$35,856 to \$47,344 or from \$17.63 to \$23.49 per square foot of living area. The subject's improvement assessment is \$47,020 or \$25.75 per square foot of living area. Based on this evidence, the appellant requested a reduction in

the subject's improvement assessment to \$32,192 or \$17.63 per square foot based upon equity.

In support of the market value claim, the appellant submitted a uniform residential appraisal report prepared by a State of Illinois certified real estate appraiser. The Summary Appraisal Report contained the sales comparison approach to value with the purpose of providing a supportable opinion of fair market value for the subject property for financing purposes. In the sales comparison approach the appraiser utilized five comparable sales that sold from June, 2008, through December, 2008, for prices that ranged from \$410,000 to \$595,000 or from \$268.14 to \$378.28 per square foot of living area, land included. Also included were two active listings for \$498,000 and \$528,000 respectively. The sales properties are improved with one-story single-family dwellings. The dwellings range in age from 47 to 58 years and in size from 1,320 to 2,219 square feet. All of the comparables have fireplaces and four comparables have a two-car garage. After making adjustments to the properties, the appraiser estimated the subject's market value to be \$475,000 as of February 17, 2009.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment was disclosed. The board of review presented descriptions and assessment information on four comparable properties consisting of one-story masonry dwellings that range in age from 49 to 51 years old. The dwellings range in size from 1,801 to 1,908 square feet of living area. Features include full basements, central air conditioning, and one to two car garages. One comparable has a finished basement recreation room and three of the four comparables have a fireplace. These properties have improvement assessments ranging from \$25.91 to \$27.84 per square foot 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 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 not warranted.

The appellant contends unequal treatment in the subject's improvement assessment as the basis of the 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. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the Board finds the appellant has not met this burden.

The Board finds the comparables submitted by both parties were similar to the subject in location, size, style, exterior construction, features and age. A total of sixteen comparables were submitted. These comparables had improvement assessments that ranged from \$17.63 to \$27.84 per square foot of living area.

The subject's improvement assessment of \$25.75 per square foot of living area is within the range established by the most similar comparables. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the appellant has not proven by clear and convincing evidence that the subject property is inequitably assessed. Therefore, the Property Tax Appeal Board finds that a reduction in the subject's assessment based upon equity is not warranted.

The appellant also argued in part that the assessment of the subject is excessive and not reflective of its market value. When market value is the basis of the appeal the value of the property must be proved 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). 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 Sec. 1910.65(c). Having considered the evidence presented, the Property Tax Appeal Board finds that the evidence indicates a reduction based on value is not warranted.

The Property Tax Appeal Board gives diminished weight to the opinion of market value as found in the appellant's appraisal. First, the appraisal was conducted for a mortgage financing purpose and the intended user was the lender/client, Guaranteed Rate-Bannockburn. Second, the Board finds the appraisal had an effective date of February 17, 2009, more than thirteen months subsequent to the assessment date of January 1, 2008. The Board finds the appraiser did not offer an opinion of value as of the assessment date in question, nor is there sufficient evidence submitted to show the value found in the appraisal is reflective of the subject's market value as of the January 1, 2008 assessment date. Based on these considerations, the Property Tax Appeal Board finds the appellant has not submitted sufficient evidence to challenge the correctness of the subject's assessment for the 2008 tax year.

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: February 22, 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.