



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

APPELLANT: Richard Park  
DOCKET NO.: 08-27974.001-R-1  
PARCEL NO.: 13-36-221-049-0000

The parties of record before the Property Tax Appeal Board are Richard Park, the appellant(s), by attorney Frederick F. Richards III, 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 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:** \$ 7,589  
**IMPR:** \$ 42,308  
**TOTAL:** \$ 49,897

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject has 2,750 square feet of land, which is improved with a 118 year old, two-story, frame, multi-family building. The subject's original improvement size was 1,888 square feet of building area. The improvement assessment for the original building is \$30,308, which equates to an improvement assessment of \$16.05 per square foot of building area. However, an addition was built onto the subject in 2007. The addition's improvement size was not disclosed, but its improvement assessment was listed as \$20,000. The improvement assessment for the addition includes the application of a home improvement exemption. The subject's total assessment is \$57,897, which yields a fair market value of \$603,094, or \$319.44 per square foot of building area (including land), 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 there was unequal treatment in the assessment process of the subject's improvement, and also that the fair market value of the subject property was not accurately reflected in its assessed value as the bases of this appeal.

In support of the equity argument, the appellant submitted descriptive and assessment information for five properties

suggested as comparable to the original building.<sup>1</sup> The comparables are described as two-story, frame, multi-family dwellings. Additionally, the comparables range: in age from 111 to 118 years; in size from 1,932 to 2,064 square feet of living area; and in improvement assessments from \$10.68 to \$14.99 per square foot of living area. The comparables also have various amenities.

In support of the market value argument, the appellant submitted evidence showing that the subject sold in April 2006 for \$380,000. This evidence included a settlement statement. Furthermore, the appellant's pleadings state that the sale was not between related parties, that the parties used a real estate broker, and that the sale was not pursuant to a foreclosure or a short sale. 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 \$57,897 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, multi-family dwellings. Additionally, the comparables range: in age from 105 to 128 years; in size from 1,608 to 1,830 square feet of living area; and in improvement assessments from \$16.43 to \$18.33 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 assessment.

In rebuttal, the appellant argued that the board of review's comparables all support the appellant's uniformity argument because they are all assessed lower than the subject on a per square foot basis. The appellant also argued that the board of review did not take the subject's home improvement exemption into consideration in its analysis.

Both parties acknowledged in their submissions that the subject's addition has a market value of \$200,000.

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,

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<sup>1</sup> Since the addition's descriptive information was not disclosed by either party, the Board must presume that the comparables submitted by the parties were suggested as comparables for the original building only.

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 based on market value.

The Board does not find that the sale of the subject in April 2006 is persuasive as to the subject's market value as of January 1, 2008. It is clear from the evidence that the subject was substantially modified after the appellant purchased it, and, thus, affected its market value as of the lien date. Therefore, the Board finds that the appellant has failed to prove, by a preponderance of the evidence, that the subject is overvalued as there is no evidence to show what the subject's market value was as of January 1, 2008.

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 met not this burden.

The Board finds that all of the comparables submitted by both parties were most similar to the original building 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 \$10.68 to \$16.98 per square foot of living area. The original building's improvement assessment of \$16.05 per square foot of living area is within the range established by the most similar comparables. Therefore, after considering adjustments and differences in both parties' 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.

However, the subject's addition is entitled to a home improvement exemption under 35 ILCS 200/15-180. Both parties agreed that the market value of the addition was \$200,000. Illinois law allows for a maximum of \$75,000 to be deducted from the home improvement's market value for each of four years after the home improvement is completed. The home improvement exemption was applied to the subject in 2007, and, thus, 2008 is within that four year period. Since the market value of the addition is \$200,000, the Board will deduct \$75,000 from this amount, to arrive at an adjusted market value for the addition of \$125,000. After applying the 2008 Illinois Department of Revenue three year median level of assessment for Class 2 properties of 9.60% to this value, the addition's assessed value becomes \$12,000. 86 Ill. Admin. Code § 1910.50(c)(2)(A). After adding the original building's unadjusted improvement assessment of \$30,308, the addition's adjusted improvement assessment of \$12,000, and the subject's land assessment of \$7,589, the subject's total assessment becomes \$49,897. This amount is higher than the subject's current assessment, and, therefore, the Board 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.

*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: November 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.