



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

APPELLANT: Elena Labkovsky
DOCKET NO.: 08-29526.001-R-1
PARCEL NO.: 05-28-425-030-0000

The parties of record before the Property Tax Appeal Board are Elena Labkovsky, the appellant(s); 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: \$ 26,400
IMPR.: \$ 2,400
TOTAL: \$ 28,800

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property has 10,000 square feet of land, which is improved with an 89 year old, one-story, stucco, single-family dwelling containing 1,594 square feet of living area. The subject includes one and one-half baths, a two-car garage, a fireplace, and a full finished basement. The subject is located in New Trier Township, Cook County. The appellant argued that there was unequal treatment in the assessment process, and that the subject was overvalued as the bases for this appeal.

In support of the equity argument, the appellant submitted descriptive and assessment information on four properties suggested as comparable to the subject. These properties are described as one-story, frame or masonry, single-family dwellings that are from 31 to 57 years old, and contain from 1,162 to 1,760 square feet of living area. Additionally, the suggested comparables have from one to two baths, three of the properties have a fireplace, one of the properties has air conditioning, and all of the properties have a garage, ranging from a one-car to a two-car garage. These suggested comparables have improvement assessments ranging from \$12.20 to \$29.26 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's assessment.

In support of the overvaluation argument, the appellant submitted a real estate sale contract, stating that the appellant signed a contract to purchase the subject in September 2008 for \$300,000. The appellant also submitted an Escrow Trust Disbursement Statement, which states that the appellant purchased the subject on November 20, 2008 for \$300,000. The Escrow Trust Disbursement Statement also states that real estate broker fees and transfer taxes were paid.

The Cook County Board of Review submitted its "Board of Review-Notes on Appeal" wherein the subject's final assessment of \$66,297 was disclosed. In support of the subject's assessment, the board of review presented descriptive and assessment information on four properties suggested as comparable to the subject. These properties are described as one and one-half-story, stucco, single-family dwellings that are from 82 to 87 years old, and contain from 1,535 to 1,785 square feet of living area. Additionally, the suggested comparables have from one and one-half to two baths, two of the properties have a fireplace, all of the properties have a two-car garage, and either a full unfinished basement, or a full basement with a formal recreation room. These suggested comparables have improvement assessments ranging from \$26.81 to \$29.15 per square foot of living area. The subject's improvement assessment is \$25.03 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 (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 concludes that the evidence indicates a reduction is warranted.

The Board finds the best evidence of the subject's market value is the un rebutted sale of the subject in November 2008 for \$300,000, which is supported by the Escrow Trust Disbursement Statement and the real estate sale contract. The sale was within one year of the 2008 assessment date, and the Escrow Trust Disbursement Statement supports the arm's-length nature of the

transaction because a real estate broker was used. The Board gives the board of review's evidence little weight, as it did not address the appellant's market value argument.

Based on this record the Board finds that the subject property had a market value of \$300,000 for tax year 2008. Since market value has been determined, the 2008 Illinois Department of Revenue three-year median level of assessment for class 2 property of 9.60% shall apply. In applying this level of assessment to the subject, the total assessed value is \$28,800 while the subject's current total assessed value is above this amount. Therefore, the Board finds that a reduction is warranted.

Since market value has been determined, the Board finds that no further reduction shall be granted based on equity.

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: December 21, 2012

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.