



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

APPELLANT: Stanislaw Myslinski
DOCKET NO.: 09-20668.001-R-1
PARCEL NO.: 10-22-423-051-0000

The parties of record before the Property Tax Appeal Board are Stanislaw Myslinski, the appellant, by attorney Patrick C. Doody, of The Law Offices of Patrick C. Doody 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: \$ 5,385
IMPR.: \$ 36,644
TOTAL: \$ 42,029

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-story, single-family dwelling of frame and masonry construction containing 2,094 square feet of living area. The dwelling is 55 years old. Features of the home include a full finished basement, central air conditioning, two fireplaces and a two-car garage. The dwelling is situated on a 6,336 square foot lot located in Niles Township, Cook County.

The appellant submitted evidence before the Property Tax Appeal Board claiming unequal treatment in the assessment process as the basis of the appeal. In the support of this claim, the appellant submitted descriptions and assessment information on five suggested properties. They consist of one-story, single-family, masonry or frame and masonry dwellings. They range in age from 51 to 69 years old and range in size from 1,839 to 2,088 square feet of living area. The comparables are located in the same neighborhood code as the subject property. Four properties have a fireplace or two fireplaces and a one-car garage or a two-car garage. Two properties have central air conditioning. The properties have improvement assessments ranging from \$22,740 to \$33,683 or from \$12.37 to \$16.13 per square foot of living area. The subject's improvement assessment is \$36,644 or \$17.50 per

square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment to \$32,065 or \$15.31 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$42,029 was disclosed. The subject's improvement assessment is \$36,644 or \$17.50 per square foot of living area. In support of the subject's assessment, the board of review presented descriptions and assessment information on four comparable properties. They consist of one-story, frame and masonry, single-family dwellings that range in age from 43 to 55 years old. The dwellings range in size from 1,804 to 1,961 square feet of living area. The comparables are located in the same neighborhood code as the subject property. Features include a fireplace and a one-car garage or two-car garage. The properties have a partial finished, a full unfinished or a full finished basement. Two properties have central air conditioning. These properties have improvement assessments ranging from \$14,278 to \$34,946 or from \$7.28 to \$19.37 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 no reduction in the subject's assessment is 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.

Both parties submitted a total of nine comparables for the Board's consideration. The Board gave less weight to appellant's comparables #2 and #3 due to the improvements' exterior construction and comparable #1 due to improvement's smaller size when compared to the subject. The Board finds that comparables #4 and #5 submitted by the appellant and comparables #1 and #2 submitted by the board of review are most similar to the subject in location, size, age, style, exterior construction and features. These comparables had improvement assessments that ranged from \$14,278 to \$34,526 or from \$7.28 to \$17.65 per square foot of living area. The subject's improvement assessment of \$17.50 per square foot of living area 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 subject's improvement assessment is equitable and no reduction in the subject's assessment is warranted.

The constitutional provision for uniformity of taxation and valuation does not require a mathematical equality. A practical, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill2d. 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all the constitution requires is a practical uniformity which appears to exist on the basis of the evidence. For the foregoing reasons, the Board finds that 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 the subject's assessment as established by the board of review is correct 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. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J.R.

Acting 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 23, 2011

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.