



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

APPELLANT: Greg Riba
DOCKET NO.: 09-21431.001-R-1
PARCEL NO.: 14-29-408-049-0000

The parties of record before the Property Tax Appeal Board are Greg Riba, the appellant, by attorney Leonard Schiller of Schiller Klein PC 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: \$20,121
IMPR.: \$77,779
TOTAL: \$97,900

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Cook County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2009 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property is improved with a three-story single family dwelling of concrete block construction with 4,652 square feet of living area. The dwelling was constructed in 1990 and is approximately 19 years old. Features of the home include a concrete slab foundation, central air conditioning, two fireplaces and a detached two-car garage. The property has a

site with approximately 3,125 square feet of land area and is located in Chicago, Lakeview Township, Cook County. The property is a class 2-08 property under the Cook County Real Property Assessment Classification Ordinance (hereinafter "Ordinance") with a level of assessment of 10% of market value.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$1,100,000 as of January 1, 2009. The appraisal was prepared by Audrey Clamage, a state certified real estate appraiser. Clamage developed the cost approach to value resulting in an estimated value of \$1,202,400 and the sales comparison approach to value resulting in an estimated value of \$1,100,000. The sales comparison approach was given the greatest weight in arriving at the appraised value.

Based on this evidence the appellant requested the subject's assessment be reduced to \$110,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$173,172. The subject's assessment reflects a market value of \$1,945,753 or \$418.26 per square foot of living area, including land, when applying the 2009 three year average median level of assessments for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 8.90% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on four comparables to demonstrate the subject property was uniformly assessed. The board of review also submitted a list of twenty sales that included the property index number, deed number, deed type, sale date and amount of sale.

In rebuttal the appellant asserted the board of review failed to address the market value issue.

Conclusion of Law

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale,

comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant estimating the subject property had a market value of \$1,100,000 as of January 1, 2009. The subject's assessment reflects a market value above the best evidence of market value in the record. The Board finds the board of review equity comparables did not address the appellant's market value argument. The Board also finds, besides the fact that only four sales occurred within one year of the assessment date at issue, the list of 20 sales presented by the board of review had no descriptive information about the comparables which prevented the Board from performing any meaningful comparative analysis.

In conclusion, the Board finds the subject property had a market value of \$1,100,000 as of the assessment date at issue. Since market value has been established the 2009 three year average median level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 8.90% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(2)).

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.