FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Paul King
DOCKET NO.: 09-21454.001-R-1
PARCEL NO.: 14-20-105-059-0000

The parties of record before the Property Tax Appeal Board are Paul King, the appellant; 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:	$6,987
IMPR.:	$58,649
TOTAL:	$65,636

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 1,294 square foot parcel of land improved with a four-year old, three-story, single-family row house containing 2,501 square feet of building area, three and one-half baths, air conditioning, and a two car garage. The appellant argued both unequal treatment in the assessment process and that the market value of the subject property is not accurately reflected in the property's assessed valuation as the bases of this appeal.

In support of the equity argument, the appellant submitted information regarding seven suggested comparables; four are listed on the appellant's grid sheet and contain descriptions and property assessment information. The remaining three suggested comparables are not described. The suggested comparables listed on the appellant's grid sheet are described as two or three-story, masonry, row houses located within 1.1 mile from the subject property with three located on the subject property's street. Features include two-and-one-half to three-and-one-half bathrooms, air conditioning, one to two fireplaces, and a two-car attached garage. The properties range: in age from three to 15 years; in size from 2,501 to 3,354 square feet of building area;

and in improvement assessment from $18.95 to $23.45 per square foot of living area.

As to the land, the appellant submitted information regarding eight suggested land comparables. The land sizes range from 1,278 to 1,573 square feet and are all assessed at $5.40 per square foot. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

In support of the market value argument, the appellant included Cook County Recorder of Deeds web site printouts regarding the sales of two suggested comparable properties. They sold between April 2005 and July 2007 for prices ranging from $775,000 to $1,350,000 or from $167.49 to $206.67 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's improvement assessment of $73,713 or $25.23 per square foot of living area and land assessment of $10,610 or $8.20 per square foot were disclosed. This assessment reflects a market value of $119,213 or $92.13 using the Illinois Department of Revenue's three year median level of assessment of 8.90% for Cook County Class 2 properties. In support of the subject's assessment, the board of review presented descriptions and assessment information on four properties suggested as comparable and located within one-quarter mile from the subject property. The properties are described as three-story, masonry, row houses with three-and-one-half baths, air conditioning, and one fireplace. The properties are four years old and range in size from 2,135 to 2,501 square feet of building area and in improvement assessment from $25.41 to $26.88 per square foot of living area. The suggested land comparables range in size from 1,278 to 1,573 square feet and are all assessed at $8.20 per square foot. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a copy of the board of review's 2010 decision for the subject showing a reduced assessment of $65,636. The appellant requests that this value be applied to the 2009 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.

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). 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 1910.65(c). Having considered the evidence

presented, the PTAB concludes that the evidence indicates a reduction based on market value is not warranted.

The appellant presented the sales of two properties. The PTAB finds that two sales are insufficient to establish the subject's market value. Therefore, the PTAB finds the appellant has failed to meet the burden of proving by a preponderance of the evidence that the subject is overvalued and, therefore, a reduction based on market value is not warranted.

The appellant also contends unequal treatment in the subject's improvement and land assessments. 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 PTAB finds the appellant has not met this burden.

As to the subject property's improvement assessment, the parties presented a total of eleven properties suggested as comparable to the subject. The PTAB finds the appellant's comparables #1 and the board of review's comparables #1 and #2 are the most similar to the subject in design, age, size, and construction. Due to their similarities to the subject, these properties received the moist weight in the Board's analysis. These properties had improvement assessments that ranged from $23.45 to $25.41 per square foot of living area. The subject's improvement assessment of $25.23 is within the range established by the most similar comparable properties. Therefore, after considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's improvement assessment is supported and a reduction in the improvement assessment based on equity is not warranted.

As to the subject property's land assessment, the parties presented a total of twelve properties suggested as comparable to the subject. The PTAB finds the board of review's comparables #1, #2 and #3 to be the most similar to the subject property as these comparables are similar to the subject's land size and are located on the subject property's street and Sidwell block. Due to their similarities to the subject, these properties received the moist weight in the Board's analysis. These properties all had a land assessment of $8.20 per square foot. The subject property's land assessment of $8.20 is the same as the most similar comparable properties. Therefore, after considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's land assessment is supported and a reduction in the land based on equity is not warranted.

However, the PTAB finds the appellant also included evidence of the 2010 assessment for the subject property. This year is within the 2009 triennial assessment cycle that is the subject of this appeal. The PTAB finds that "a substantial reduction in the

subsequent year's assessment is indicative of the validity of the prior year's assessment". Hoyne Savings & Loan Assoc. v. Hare, 60 Ill.2d 84, 90, 322 N.E.2d 833, 836 (1974); 400 Condominium Assoc. v. Tully, 79 Ill.App.3d 686, 690, 398 N.E.2d 951, 954 (1st Dist. 1979). Therefore, the PTAB finds that based upon the county's 2010 assessment reduction, it is appropriate to reduce the appellant's 2009 assessment to $65,636. Thereby, the PTAB finds that a reduction in the subject's assessment 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.

Chairman

Member

Member

Member

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 24, 2012

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.