



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

APPELLANT: Sherri Castner
DOCKET NO.: 09-21518.001-R-1
PARCEL NO.: 14-29-406-044-1001

The parties of record before the Property Tax Appeal Board are Sherri Castner, the appellant; 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: \$ 6,348
IMPR: \$ 20,579
TOTAL: \$ 26,827

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 2,976 square foot parcel of land improved with a 55-year old, multi-story, masonry dwelling comprising three condominium units. The actual subject of this appeal is one condominium unit located within these improvements. The subject condominium identified as Unit #1, which is not owner-occupied, contains 650 square feet of living area as well as one full bath and one fireplace.

The appellant raised two arguments: first, that there was unequal treatment in the assessment process; and second, that the subject's market value is not accurately reflected in its assessment as the bases of this appeal.

In support of the equity argument, the appellant submitted descriptive and assessment data as well as photographs for four suggested comparables located within a few-blocks' distance from the subject. The properties were each improved with a multi-story, masonry dwelling. They range: in number of condominiums from four to six units; in age from 32 to 124 years; in size from 600 to 650 square feet of living area; and in improvement assessments from \$19.01 to \$30.36 per square foot. Amenities

include one bathroom, while properties #1 and #3. The subject's improvement assessment is \$31.66 per square foot of living area.

As to the overvaluation argument, the appellant submitted sales data on the aforementioned four equity properties. These properties sold from December, 2006 to August, 2008, for prices that ranged from \$222,000 to \$255,000, or from \$370.00 to \$425.00 per square foot of living area. Based upon this analysis, the appellant requested a reduction in the subject's assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$26,827. This assessment reflected a total market value of \$301,427 or \$463.73 per square foot based upon the application of the Illinois Department of Revenue's three-year median level of assessment for tax year 2009 of 8.90% for class 2 property, as is the subject.

The board submitted a one-page, five-line analysis. The analysis looked to one sale of a condominium unit, identified as Unit #2 within the subject's building totaling a value at \$233,000, which represented 33.33% of the building's ownership. Full value of the subject's three-unit condominium building was asserted as \$699,006. The asserted sale was actually the culmination of two mortgages taken out by the owners of Unit #2 from 2007 through 2010. In support of this condominium analysis, the board submitted copies of documents from the Cook County Recorder of Deeds office reflecting: an August, 2010, mortgage in the amount of \$176,000; a mortgage for the same condominium unit in February, 2007, for \$57,000; as well as a purchase in August, 2003, in the amount of \$210,000. As a result of its analysis, the board requested confirmation of the subject's assessment.

In written rebuttal, the appellant submitted a one-page analysis with grids represented thereon. The first grid represented data relating to seven, new equity properties obtained from the assessor's office. The second grid reiterates descriptive and sales data on the appellant's prior four sales' properties.

After considering the arguments as well as reviewing the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

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 data, the Board finds that the appellant has not met this burden.

The Board finds that the four equity comparables submitted by the appellant reflects limited descriptive data regarding these properties. However, the Board finds that a requisite component

of comparability relating to condominiums is the percentage of ownership accorded the unit. Neither the subject's condominium declaration nor this data was submitted by the appellant. The equity properties contained improvements assessments that ranged from \$19.01 to \$30.36 per square foot and in units from four to six condominiums within each building. In contrast, the subject's improvement assessment is \$31.66 per square foot, and comprises only one of three units within its respective building. Therefore, the Board can infer that the percentage of ownership accorded to the condominium comparables would vary significantly in comparison to the subject based upon the number of units located within each building. This would account for the variation in assessed valuation.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the suggested comparables presented by the appellant disclosed that properties located in the same area are not assessed at identical levels, all that 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's condominium is inequitably assessed.

As to the appellant's second issue, when market value is the basis of the appeal, the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.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.Adm.Code 1910.65(c)). Having considered the evidence presented, the Board finds that the appellant has not met this burden and that a reduction is not warranted.

As to this issue, the Board again finds that the sale comparables submitted by the appellant are absent the percentage of ownership attributed to each condominium unit; thereby, inhibiting comparability.

The Illinois Condominiums Property Act specifically provides that
real property taxes, special assessments, and other special taxes or charges of the State of Illinois or of any political subdivision thereof, or other lawful taxing or assessing body, which are authorized by law to be assessed against and levied upon real property

shall be assessed against and levied upon each unit and the owner's corresponding percentage of ownership in the common elements as a tract, and not upon the property as a whole. 765 ILCS 605/10(a).

The Board finds that while the suggested sale comparables were located within similar buildings in the subject's neighborhood, a crucial component of comparability is absent in the submitted data. These comparables ranged in sale price from \$370.00 to \$425.00 per square foot of living area. The subject's market value as established by the county is \$463.73 per square foot, which is slightly above the range established by these sale comparables. The Board finds that this market value may be based upon a variation in percentage of ownership accorded to the subject's condominium unit in comparison to the suggested comparables.

Therefore, the Board finds that the appellant has not met its burden by a preponderance of the evidence and that the subject does not warrant a reduction based upon the market data submitted into evidence.

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

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: January 20, 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.