



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

APPELLANT: Erwin Obartuch
DOCKET NO.: 09-22113.001-R-1
PARCEL NO.: 10-34-329-008-0000

The parties of record before the Property Tax Appeal Board are Erwin Obartuch, 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: \$8,200
IMPR.: \$22,300
TOTAL: \$30,500

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 9,112 square foot parcel of land improved with a 51-year old, one-story, single-family dwelling containing 1,468 square feet of living area with two baths, full finished basement, and a two-car garage. The appellant argued that the market value of the subject property is not accurately reflected in its assessed value.

In support of this overvaluation argument, the appellant submitted sales data and listing sheets for four properties located within the subject's neighborhood. These properties are one or two-story, masonry, single-family dwellings with between one and one-half baths, full unfinished basements and air conditioning for three of the properties. The properties range in size from 952 to 1,264 square feet of living area. Three of the properties sold from December 2009 to June 2010 for prices ranging from \$190,000 to \$230,000 or \$182.92 to \$233.74 per square foot of living area, including land. The remaining property has not sold and is actively listed for \$219,900. Based on this evidence, the board of review requested confirmation of the subject's assessment

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$38,749 was disclosed. This assessment reflects a market value of \$435,382

or \$296.58 per square foot of living area, including land using the Illinois Department of Revenue's 2009 three-year median level of assessment for class 2 property of 8.90%. 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 of the subject property. The properties are described as one-story, masonry, single-family dwellings with between one and one-half and two baths, a full or partial finished basements, and one or two fireplaces for three of the properties. The properties range: in age from 52 to 57 years; in size from 1,350 to 1,490 square feet of living area; and in improvement assessments from \$22.56 to \$26.93 per square foot of living area. In addition, the board of review submitted sales data for property #1 and #2. These properties sold in December 2006 and January 2007 for \$495,000 or \$332.21 and \$348.84 per square foot of living area, including land, respectively. 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. 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, 331 Ill.App.3d 1038 (3d Dist. 2002; Winnbago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d (2d 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 Board concludes that the evidence indicates a reduction in the subject's assessment is warranted.

In determining the fair market value of the subject property, the PTAB finds that the best evidence is the appellant's recent sales of the three comparable properties. The appellant's sale prices of the comparables range from \$190,000 to \$230,000 or \$182.92 to \$233.74 per square foot of living area, including land. In comparison, the subject's assessment reflects a market value of \$435,382 or \$296.58 per square foot of living area, including land. The subject's market value of \$296.58 per square foot of living area, including land is above the range established by the comparables. Therefore, after considering adjustments and the differences in both parties comparables when compared to the subject, the Board finds the subject's per square foot assessment is not supported and a 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.

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: August 28, 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.