



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

APPELLANT: Milo Phipps
DOCKET NO.: 09-25858.001-R-1
PARCEL NO.: 31-35-332-002-0000

The parties of record before the Property Tax Appeal Board are Milo Phipps, 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: \$ 8,978
IMPR.: \$ 12,382
TOTAL: \$ 21,360

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 8,978 square feet of land improved with a two-story, frame and masonry dwelling. The improvement contains 4,549 square feet of living area as well as air conditioning, a three-car garage, and a fireplace.

As to the merits of this appeal, the appellant argued that the fair market value of the subject is not accurately reflected in its assessed value and that there was unequal treatment in the assessment process.

The appellant's pleadings include recent sales data reflecting that the subject property is located in Richton Park and that it sold on July 14, 2009 for \$240,000. In addition, the appellant submitted limited sales data indicating the comparables sold for \$239,000 to \$253,000 but failed to provide sales dates and any other evidence to support these sales.

As to the equity argument, the appellant submitted assessment and description information on four comparable properties. These properties described as two-story, masonry or frame and masonry dwellings that range in age from seven to eleven years, and in

size from 3,838 to 4,549 square feet of living area. Amenities of the comparables include two and one half-baths, air conditioning, a fireplace, and a three or four-car garage. No improvement assessment information was provided by the appellant. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment was disclosed as \$38,706. This assessment reflected a total market value of \$434,899 or \$95.60 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.

The board of review submitted descriptive and assessment data relating to four suggested comparables. The properties are improved with two-story, masonry dwellings. The improvements range in improvement size from 4,064 to 4,549 and in assessment from \$7.83 to \$8.46 per square foot of living area. Amenities include a full unfinished basement, two and one half-baths, air conditioning, and a fireplace.

In addition, the board of review's analysis reflected a previous sale price of subject property of \$360,000 in March 2006 with no further evidence reflecting that sale price. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 PTAB finds the appellant has not met this burden.

As to the equity argument, the Board finds that the appellant failed to submit the necessary evidence to support his equity argument since no improvement assessment data was supplied for the suggested comparables provided. Therefore, the Board finds the subject's per square foot improvement assessment is supported and a reduction in the subject's assessment is not warranted.

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 (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 Board concludes that the evidence indicates a reduction is warranted.

The Board finds that the best evidence of market value was the recent purchase price of the subject property. The un rebutted evidence demonstrated that the subject sold on July 14, 2009 for \$240,000. The Board further finds that the county failed to proffer any evidence indicating either that this sale was not an arm's length transaction or that there were sales comparables located within the subject's area which rebutted the validity of the subject's sale price.

On the basis of this analysis, the Board finds that the subject had a fair market value of \$240,000 as of the 2009 assessment date at issue. Since fair market value has been established, the Department of Revenue median level of assessment for Cook County class 2, residential property of 8.90% for tax year 2009 shall apply to this subject property.

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.

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: September 21, 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.