



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

APPELLANT: Marshall Kearney
DOCKET NO.: 09-31442.001-R-1
PARCEL NO.: 04-13-303-061-0000

The parties of record before the Property Tax Appeal Board are Marshall Kearney, the appellant, by attorney Ellen G. Berkshire of Verros, Lafakis & Berkshire, P.C. in Chicago; 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: \$13,884
IMPR: \$112,967
TOTAL: \$126,851

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 two-story dwelling of frame and masonry construction with 4,138 square feet of living area. The dwelling is approximately 21 years old. Features of the home include a partial unfinished basement, central air conditioning and a three-car attached garage. The property has a 32,670 square foot site and is located in Northfield,

Northfield Township, Cook County. The subject is classified as a class 2-08 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on three comparable sales composed of two one-story dwellings and one two-story dwelling. The dwellings ranged in age from 27 to 71 years old and in size from 3,268 to 3,414 square feet of living area. The sales occurred from April 2008 to April 2010 for prices ranging from \$850,000 to \$900,000 or from \$224.72 to \$263.62 per square foot of living area, land included. The appellant requested the subject's assessment be reduced to \$87,657.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$126,851. The subject's assessment reflects a market value of \$1,268,510 or \$306.55 per square foot of living area, including land, when applying the Cook County Real Property Assessment Classification Ordinance level of assessment for class 2 property of 10%.

In support of its contention of the correct assessment the board of review submitted information on a grid analysis on four comparables, one of which sold in March 2006 for a price of \$1,025,000 or \$234.66 per square foot of living area, including land. The board of review also submitted a list of twenty sales of class 2-08 properties located in the subject's neighborhood. Two sales occurred in May 2007 and July 2007 for prices of \$1,387,500 and \$1,475,000, respectively.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds only one of the three sales provided by the appellant, appellant's comparable sale #1, was similar to the

subject in style. However, this comparables was 50 years older than the subject dwelling. This property sold in April 2010 for a price of \$900,000 or \$263.62 per square foot of living area, including land. This sale would seem to require an upward adjustment due to age when compared to the subject dwelling. The subject's market value as reflected by the assessment of \$306.55 per square foot of living area, land included, is justified when compared to this sale. The Board gave little weight to the remaining two sales provided by the appellant due to age and/or style since both were improved with one-story dwellings. The Board finds the board of review equity analysis did not address the appellant's market value argument. Additionally, the Board finds one comparable described on the board of review grid analysis sold in March 2006, which is not proximate in time to the assessment date at issue and is given little weight. However, the Board finds the board of review provided a list of twenty sales of class 2-08 properties located in the subject's neighborhood. Two of these sales occurred in May 2007 and July 2007 for prices of \$1,387,500 and \$1,475,000, respectively, which seem to support the subject's market value as reflected by the assessment of \$1,268,510. Based on this evidence the Board finds a reduction in the subject's assessment is not justified.

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: September 19, 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.