



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

APPELLANT: Patricia Gargano
DOCKET NO.: 09-31509.001-R-1
PARCEL NO.: 17-04-108-056-1003

The parties of record before the Property Tax Appeal Board are Patricia Gargano, the appellant(s); 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: \$ 6,510
IMPR.: \$28,932
TOTAL: \$35,442

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a class 2-99 residential condominium unit within a 99 year old, three story, masonry building containing six total units, and is located in North Chicago Township, Cook County. The appellant argued that there was unequal treatment in the assessment process.

In support of the equity argument, the appellant submitted descriptive and assessment data for the subject property and four comparable condominium units located within the subject's neighborhood. The suggested comparables are located in masonry buildings which contain from three to eight units each, and that range in age from 6 to 14 years old. These comparables' total assessments range from \$10,451 to \$25,739. The appellant also submitted the address, PIN, and assessed value for four additional properties, which had total assessed values ranging from \$13,320 to \$17,410. Additionally, the appellant submitted a list of sales of four condominium units from within the subject's neighborhood as reported by the Chicago Tribune. The appellant also submitted a real estate advertisement which describes a condominium unit in the subject's neighborhood as being for sale with a listing price of \$489,000. 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 total assessment of \$35,442 was disclosed. This assessment reflects a market value of \$398,225 using the 2009 Illinois Department of Revenue three year median level of assessment for class 2 property of 8.90%. In support of the subject's assessment, the board of review submitted a memo from Dan Michaelides, Cook County Board of Review Analyst. The memorandum shows that two units, or 30.0% of ownership, within the subject's building sold from August 2007 to June 2008 for between \$398,000 and \$407,500. An allocation of two percent for personal property was subtracted from the sales price, and then divided by the percentage of interest of the unit to arrive at a total market value for the building of \$2,631,300. The subject's percentage of ownership, 15.0%, was then utilized to arrive at a value for the subject of \$394,695. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant argued that the board of review did not address the appellant's equity argument. Additionally, the appellant submitted an appraisal stating that, as of June 23, 2011, the subject is valued at \$370,000. Additionally, the appellant submitted a list of 58 condominium units that sold between November 2000 and October 2011 for \$309,000 to \$785,000. The appellant also re-affirmed the evidence previously submitted.

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); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (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 shows a reduction is not warranted.

Initially, the Board finds that it cannot consider the appraisal or the additional condominium sales comparables submitted by the appellant in rebuttal. "Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence." 86 Ill.Admin.Code 1910.66(c).

The Board gave diminished weight to the equity and sales comparables submitted by the appellant because these properties were not in the subject's building, and the appellant did not submit any evidence that described the characteristics of these units, including each unit's percentage of ownership. Therefore,

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the Board finds that appellant has not proven, by a preponderance of the evidence, that 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.

Ronald R. Cuit

Chairman

Frank J. Huff

Member

Mark Morris

Member

JR

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: June 22, 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.