



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

APPELLANT: Wook Kim
DOCKET NO.: 09-35091.001-R-1
PARCEL NO.: 32-36-109-005-0000

The parties of record before the Property Tax Appeal Board are Wook Kim, the appellant, by attorney Donald L. Schramm of Rieff Schramm Kanter & Guttman in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds an increase 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: \$1,751
IMPR.: \$9,311
TOTAL: \$11,062**

Subject only to the State multiplier as applicable.

ANALYSIS

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 consists of a one-story dwelling of frame construction. The dwelling is approximately 36 years old and has 1,401 square feet of living area. Features of the home include a full finished basement, central air conditioning, and

a two-car garage. The property has a 7,004 square foot site and is located in Sauk Village, Bloom Township, Cook County. The subject is classified as a class 2-03 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on overvaluation and assessment equity. In support of the overvaluation argument, the appellant submitted evidence disclosing the subject property was purchased on June 16, 2008 for a price of \$73,000. In support of the equity argument, the appellant submitted information on six equity comparables. 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" disclosing the total assessment for the subject of \$9,134 and an improvement assessment of \$7,383 or \$5.27 per square foot of living area. The subject's total assessment reflects a market value of \$102,629 or \$73.25 per square foot of living area, land included, when using the 2009 three year average median level of assessments for class 2 property of 8.90% under the Cook County Real Property Assessment Classification Ordinance as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted information with its "Notes on Appeal" on four comparable properties, none of which were sales. The board of review also submitted information with its "Analysis/Evidence Sheet" on four additional properties, one of which was a sale.

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 based on overvaluation is not warranted.

The Board finds the best evidence of market value in the record to be board of review comparable #1 listed on the "Analysis/Evidence Sheet". This comparable was very similar to

the subject in age, location, and living area. Comparable #1 sold in February 2008 for a price of \$160,000 or for \$102.83 per square foot of living area, land included. The subject's assessment reflects a market value of \$102,629 or \$73.25 per square foot of living area, land included, which is supported by the best comparable sale in this record. The Board gave little weight to the subject's sale because the appellant failed to complete section IV of the residential appeal form. Although the appellant submitted a copy of the warranty deed to document the subject's sale, the appellant failed to demonstrate that the subject's sale met the key elements of an arm's length transaction. Furthermore, the appellant did not submit a copy of the real estate transfer declaration, the settlement statement, or the real estate contract. Based on this record the Board finds the subject's assessment is reflective of market value and a reduction based on the appellant's overvaluation argument is not justified.

The appellant also contends assessment inequity as an alternative basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and an increase in the subject's assessment is warranted.

The Board finds the best evidence of assessment equity to be comparables #1, #3, and #4 submitted with the board of review's "Notes on Appeal". These comparables were most similar to the subject in age, foundation, and living area. These comparables had improvement assessments that ranged from \$6.78 to \$6.81 per square foot of living area. The subject's improvement assessment of \$5.27 per square foot of living area falls below the range established by the best comparables in this record. Based on this record the Board finds an increase in the subject's assessment is 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.



Chairman



Member



Member



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: May 21, 2014



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.