



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

APPELLANT: Herman Ettema
DOCKET NO.: 09-35268.001-C-1
PARCEL NO.: 25-29-202-010-0000

The parties of record before the Property Tax Appeal Board are Herman Ettema, the appellant, by attorney Michael Griffin 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: \$ 5,568
IMPR.: \$ 253
TOTAL: \$ 5,821

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 consists of a 2,700 square foot commercial lot, used to park cars and trucks, located in Chicago, Illinois. The appellant, via counsel, argued that there was unequal

treatment in the assessment of the land as the basis of this appeal.

In support of the land equity argument, the appellant submitted assessment information on a total of three properties suggested as comparable to the subject. The data, in its entirety, indicates the suggested comparables have 3,125 square feet of area and are assessed at a land unit price of \$14.37 per square foot. The subject property has a land unit price of \$20.62 per square foot. All of the suggested comparables are Class 5-90, containing minor commercial improvements, as is the subject. At hearing, the Board had questions regarding the improvements on the comparables, the proximity of the comparables to the subject, and whether suggested comparables #1, #2 and #3 were individual properties or part of a larger property. Accordingly, the Board ordered the appellant's attorney to produce the property record cards and freedom of information printouts within 14 days of the hearing date of October 2, 2014, pursuant to 86 Ill.Admin.Code §1910.67 (h)(1)(D). The attorney failed to timely produce the requested documentation.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's land assessment of \$5,568 was disclosed. In support of the subject's assessment, the board submitted sales data for nine properties suggested as comparable. They range in lot size from 0.43 to 10.33 acres of land. The comparables are the same class as the subject property. The board of review failed to submit any equity comparables. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The taxpayer contends assessment inequity as the 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 a reduction in the subject's assessment is not warranted.

The Board finds that the only evidence in the record addressing the equity of the subject's assessment is the appellant's comparables. These comparables had a land unit price of \$14.37, while the subject's land unit price is \$20.62. However, the Board further finds that the appellant's attorney failed to submit the detailed descriptive information ordered at hearing. Accordingly, the appellant is in default under 86 Ill.Admin. Code §1910.69(a) for failure to fully comply with the Board's request for further documentation. As the Board is unable to determine any level of comparability between the subject and comparables, the Property Tax Appeal Board finds the appellant did not adequately demonstrate that the subject was inequitably assessed by clear and convincing evidence and a reduction is not 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. 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: November 21, 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.