



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

APPELLANT: Deb Hammond
DOCKET NO.: 09-35492.001-R-1
PARCEL NO.: 15-12-435-003-0000

The parties of record before the Property Tax Appeal Board are Deb Hammond, the appellant, by attorney Christopher G. Walsh, Jr. 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: \$ 4,080
IMPR.: \$ 42,816
TOTAL: \$ 46,896

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.

Analysis

The subject property consists of a 6,800 square foot parcel of land containing two improvements. Improvement #1 is a 115-year old, two-story dwelling consisting of frame construction with

2,434 square feet of living area. Improvement #2 is a 100-year old, 1.5-story dwelling consisting of frame construction with 1,254 square feet of living area. The subject property is located in Proviso Township, Cook County, and is classified as Class 2 property under the Cook County Real Property Assessment Classification Ordinance. The appellant argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant submitted a brief in support of a request for a "rollover" for 2009 of the assessment confirmed by the Board for 2008 assessment. The appellant avers that the 2009 tax year was in the same triennial general assessment period as the 2008 assessment reduction. The appellant attached a copy of the Board's 2008 decision in docket #08-27460.001-R-1, wherein the total assessment was reduced to \$40,580. The appeal lists the appellant's address as "603 Clinton Place, River Forest, Illinois 60305," and the address of the subject property as "308-310 Marengo Avenue, Forest Park, Illinois."

Based on this evidence, the appellant requested an assessment reduction.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$46,896 was disclosed. The subject's assessment reflects a market value of \$526,921 using the 2009 three-year median level of assessment for Cook County Class 2 residential property as determined by the Illinois Department of Revenue of 8.90%. The board of review appended to its Notes on Appeal a legal brief, a print-out from the Cook County Assessor disclosing that a homeowner's exemption had been applied to 2009 for the River Forest address provided by the appellant, and the subject property characteristics print-out disclosing the name of the appellant and that no homeowner's exemption had been posted for 2009 for the subject property in Forest Park.

The board of review submitted a total of four equity comparables for each improvement. The comparable properties for improvement #1 were improved with two-story dwellings. They ranged in age from 96 to 111 years, in size from 2,184 to 2,676 square feet of living area, and in improvement assessments from \$11.50 to \$14.93 per square foot of living area. The assessment for improvement #1 is \$9.90 per square foot of living area. The comparable properties for improvement #2 were improved with one-story or 1.5-story dwellings. They ranged in age from 82 to 105

years, in size from 1,100 to 1,428 square feet of living area, and in improvement assessments from \$20.53 to \$24.35 per square foot of living area. The assessment for improvement #2 is \$14.93 per square foot of living area.

As a result of its analysis, the board of review requested confirmation of the subject's assessment.

The appellant failed to proffer any evidence in rebuttal.

Conclusion of Law

The Property Tax Appeal Board recognizes that section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides that the prior year's decision lowering the assessment should be carried forward to the 2009 tax year, subject only to equalization, where the property is an owner occupied residence and the tax years are within the same general assessment period. (35 ILCS 200/16-185).

After considering the evidence, the Board finds that the appellant failed to submit evidence that the subject property had been occupied by the owner in 2009. In contrast, the board of review submitted evidence that no homeowner's exemption for the subject was applied for 2009 and that the appellant received a homeowner's exemption for a different property. A prerequisite of a rollover of the prior year's assessment reduction is that the subject residence be occupied by the owner. Id.

The Board finds that the appellant failed to submit either evidence to support the alleged market value or legal argument supporting its asserted statutory interpretation. In contrast, the board of review submitted equity comparables which support the subject's assessment. Based on the foregoing analysis, the Board holds that a reduction in the subject's assessment is not warranted for the 2009 tax year.

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. Fen

Member

Tracy A. Huff

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: February 20, 2015

A. Portal

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.