FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Scott & Jeanne Sargent
DOCKET NO.: 09-35549.001-R-1
PARCEL NO.: 05-28-221-004-0000

The parties of record before the Property Tax Appeal Board are Scott & Jeanne Sargent, the appellants, 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 ***a reduction*** 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:	$ 54,040
IMPR.:	$ 206,127
TOTAL:	$ 260,167

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 19,300 square foot parcel of land that is improved with a two-story, masonry, single-family dwelling containing 5,571 square feet of living area. Features include four full baths, four bedrooms, a partial, unfinished basement, central air conditioning, and a two-car garage. The property is located in New Trier Township, Cook County.

The subject property is an owner occupied residence that was the subject matter of an appeal before the Property Tax Appeal Board the prior year under docket number 08-30374-001-R-1. In that appeal the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property to $260,167 based on the agreement of the parties. The appellants' attorney asserted that 2008 and 2009 were within the same general assessment period for residential property. The appellants requested that the assessment be "rolled over" pursuant to Section 16-185 of the Property Tax Code then also requested that the subject's assessment be reduced even further to $162,604 due to the passage of Cook County Ordinance No. 08-O-51 (September 17, 2008) ("10/25 Ordinance") which reduced the statutory level of assessment for

Class 2 properties from 16% to 10% of fair market value. No additional documentation was submitted by the appellants in support of this request.

The board of review submitted its "Board of Review-Notes on Appeal" wherein the final assessment of the subject property totaling $267,744 was disclosed. In support of the subject's assessment, the board of review submitted a written brief indicating that the language of Section 16-185 of the Property Tax Code is clear that the subject's assessment shall remain in effect for the remainder of the general assessment period. The board also submitted descriptive and assessment data for the subject property as well as four suggested comparable properties, all of which are located in the subject's neighborhood. The properties are improved with a two-story, masonry or frame and masonry, single-family dwelling. They range: in age from 70 to 112 years; in size from 4,550 to 6,306 square feet of living area; and in improvement assessment from $42.14 to $43.94 per square foot of living area. Amenities for the properties include three and one half to five and one half-baths, five or six bedrooms, a full or partial, finished or unfinished basement, central air conditioning, one to four fireplaces, and a two or three-car garage. Based upon this evidence, the board requested that the appellants' 2008 assessment remain in effect for the 2009 tax year.

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. Pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185), the Board finds the prior year's decision should be carried forward to the subsequent year subject only to equalization.

Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

> If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

The record disclosed the Property Tax Appeal Board issued a decision reducing the subject's 2008 assessment. The record further indicates that the subject property is an owner occupied dwelling and that 2008 and 2009 are within the same general assessment period. The record contains no evidence indicating the subject property sold in an arm's length transaction

subsequent to the Board's decision or that the assessment year in question is in a different general assessment period. As the appellants' attorney failed to submit additional evidence indicating that the subject has not been equitably assessed or is overvalued, the appellant is not entitled to a further reduction based upon the 10/25 Ordinance.

Furthermore, the board of review provided comparables relatively similar to the subject in location, style, age and features. These comparables had improvement assessments ranging from $42.14 to $43.94 per square foot of living area. The subject had an improvement assessment of $42.00 per square foot of living area, which is below the range established by the comparables. For these reasons the Property Tax Appeal Board finds that a reduction in the subject's assessment is warranted to reflect the Board's prior year's decision plus the application of an equalization factor, if any.

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: October 19, 2012

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.