



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

APPELLANT: Boris Lyubomirsky
DOCKET NO.: 09-35593.001-R-1
PARCEL NO.: 03-06-403-022-0000

The parties of record before the Property Tax Appeal Board are Boris Lyubomirsky, 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 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: \$ 6,356
IMPR.: \$33,804
TOTAL: \$40,160

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of frame and masonry construction. The dwelling is 25 years old and has 2,136 square feet of living area with a partial unfinished basement, central air conditioning, and a two-car garage. The property is located in Buffalo Grove, Wheeling Township, Cook County.

The subject property is an owner-occupied residence that was the subject matter of appeals before the Property Tax Appeal Board for the prior years under docket numbers 07-30562.001-R-1 and 08-30420.001-R-1. In these appeals, the Property Tax Appeal Board rendered decisions lowering the assessment of the subject property to \$40,160 based upon the evidence submitted by the parties. The Property Tax Appeal Board finds that 2007, 2008, and 2009 are within the same general assessment period for residential property in Wheeling Township. (86 Ill.Admin.Code §1910.90(i)).

The appellant's appeal is based on overvaluation. For the 2007 appeal, the appellant submitted evidence disclosing the subject

property was purchased in March 2008 for a price of \$400,000. On the basis of the prior appeals, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" wherein the 2009 final assessment of the subject property totaling \$42,482 (\$3,972 for land and \$38,510 for the improvement) was disclosed. The board of review presented descriptions and assessment information on four equity properties, one of which was a sale. Comparable #4 sold in June 2006 for \$460,000 or for \$217.80 per square foot of living area, land included. The board of review also provided a list of twenty sale properties which sold from 1990 through 2008 for prices ranging from \$197,000 to \$465,000. However, descriptive evidence for these sale properties was not provided. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 Property Tax Appeal Board takes notice that decisions reducing the subject's 2007 and 2008 assessments have been issued. The record further indicates that the subject property is an owner-occupied dwelling and that 2007, 2008, and 2009 are within the same general assessment period for Wheeling Township. 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

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: September 20, 2013

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.