



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

APPELLANT: Soula Nikolarelis
DOCKET NO.: 09-35641.001-R-1
PARCEL NO.: 10-21-201-032-0000

The parties of record before the Property Tax Appeal Board are Soula Nikolarelis, the appellant, by attorney Anthony Lewis, of Law Offices of Gary H. Smith 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: \$ 3,720
IMPR.: \$59,028
TOTAL: \$62,748

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 4,650 square foot parcel of land improved with an 34-year old, two-story, masonry, single-family dwelling containing eight bedrooms, air conditioning, a full basement and a two-car garage.

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's attorney submitted a copy of the Board's 2008 decision in docket #08-30568-R-1 wherein the total assessment was reduced to \$60,993.

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 \$62,748 was disclosed. The subject's assessment reflects a market value of \$705,034 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%.

In addition, the board of review submitted a brief with exhibits. The brief sites 35 ILCS 200/16-185 and argued that the appellant fails to meet the requirement that the residence be owner occupied. In support of its' contention, the board of review submits evidence that appellant has not claimed a homeowner exemption on the subject property. In addition, the board of review submitted evidence that appellant claimed a homeowner exemption on a different property. Thereby, the board of review requested that the Board set the subject's assessment value at no less than \$62,748 to tax year 2009 or in the alternative, dismiss the appellant's case for failing to meet the burden of going forward.

The appellant's attorney failed to submit a legal brief or any market evidence to rebut the board of review's position.

After considering the evidence and reviewing the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

The record in this appeal disclosed the subject property had a final total assessment for the 2009 tax year of \$62,748. The final assessment reflects market value of \$705,034, including land.

The Property Tax Appeal Board finds that Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) by its clear and unambiguous language is meant to benefit residences occupied by the owner.

The issue before the Board is the subject's fair market value. When overvaluation is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313

Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code 1910.65(c). Having considered the evidence presented, the Board concludes that the appellant did not meet this burden and that a reduction based on market value is not warranted.

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. Based on the foregoing analysis, the Board finds that a reduction in the subject's assessment is not warranted for the 2009 assessment.

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: December 19, 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.