



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

APPELLANT: Gerald Olson
DOCKET NO.: 10-20727.001-R-1
PARCEL NO.: 14-29-115-002-0000

The parties of record before the Property Tax Appeal Board are Gerald Olson, the appellant, by attorney Leonard Schiller, of Schiller Klein PC 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: \$ 17,255
IMPR.: \$ 40,855
TOTAL: \$ 58,110

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with an 81-year old, two-story, frame, multi-family dwelling with 2,379 square feet of living area. Features of the home include three baths, a full basement and three apartments therein. The property is located in Lakeview Township.

The subject property is a multi-family residence that was the subject matter of an appeal before the Property Tax Appeal Board the prior year under docket #09-21234-R-1. In that appeal, the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property to \$57,850 based on the evidence submitted by the parties. The appellant's attorney asserted that 2009 and 2010 were within the same general assessment period for residential property. The appellant also

submitted an appraisal to demonstrate the subject was being overvalued.

In addition, the appellant's attorney asserted that this same appellant had a second property located two doors away from this subject, which was allegedly also an owner-occupied property. In this matter, Docket #10-21103-R-1, the appellant's attorney submitted an appraisal which indicated that the building's units were occupied by the owner and a tenant. Further as to this property, the board of review submitted copies of property characteristic printouts evidencing that this same taxpayer/appellant resided at that address which was also accorded a homeowner's exemption by the assessor's office.

In the case at issue, this same assertion of owner-occupancy is raised by the appellant's attorney for this same taxpayer/appellant. The appellant's appraisal indicated that the property is a multi-family dwelling with tenants therein.

The board of review submitted its "Board of Review Notes on Appeal" wherein the final assessment of the subject property totaling \$65,000 was disclosed. This assessment reflects a market value of \$727,069 or \$305.62 per square foot of living area using the three year median level of assessment for the 2010 tax year of 8.94% for class 2, residential property as determined by the Illinois Department of Revenue. The board of review submitted descriptions, assessment, and sales data on four comparables to demonstrate the subject's assessment reflected the property's market value.

In addition, property characteristic printouts for this particular subject property indicate that the taxpayer of record resides at a street address which is located two doors away from this subject property and that there is no homeowner's exemption accorded the property of the tax appeal at issue herein.

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 not 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 2009 assessment. The record further includes the parties' undisputed evidence indicating that this subject property is not an owner-occupied dwelling despite the unsupported and disingenuous assertions of the appellant's attorney.

For these reasons, the Property Tax Appeal Board finds that a reduction in the subject's assessment is not warranted as to this issue.

The remaining 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 meet this burden and that a reduction based on market value is warranted.

The Board finds that the appellant's appraisal is the best evidence of market value. The appraisal indicated a market value of \$650,000 as of January 1, 2009. Since market value has been determined, the Illinois Department of Revenue's three year median level of assessment for class 2, residential property for tax year 2010 of 8.94% will be applied.

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Based on the foregoing analysis, the Board finds a reduction in the subject's assessment is warranted for the 2010 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.



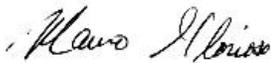
Chairman



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: November 21, 2014



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.