



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

APPELLANT: Ken & Holly Green & Wathan  
DOCKET NO.: 10-21354.001-R-1  
PARCEL NO.: 11-18-403-013-1001

The parties of record before the Property Tax Appeal Board are Ken & Holly Green & Wathan, the appellant(s); 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: \$1,115  
IMPR.: \$68,971  
TOTAL: \$70,086**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a class 2-99 residential condominium unit located in Evanston Township, Cook County. The subject property is four bedroom, three bath unit within an eight-story, 24-year old dwelling consisting of 24 residential units.

The appellants argued both unequal treatment in the assessment process and that the market value of the subject property is not accurately reflected in the property's assessed valuation as the bases of this appeal.

In support of this overvaluation argument, the appellants submitted a copy of the settlement statement stating that the subject sold for \$650,000.00 on October 25, 2007. The second page of the settlement statement itemizes broker fees. In addition, the appellants submitted a copy of the subject's multiple listing sheet, plat of survey, and color photographs of the exterior and aerial views. Lastly, the appellant submitted a spreadsheet including the property identification number, the percentage of ownership, sales data, and 2008-2010 market value per each unit in the building. Based on this evidence, the appellant requested the subject's assessment be reduced to reflect the subject's purchase price.

In support of this equity argument, the appellant submitted assessment data for four properties within the same condominium building. The properties range in size from 2,100 to 3,000 square feet of building area. The properties have improvement assessments that range from \$24.12 to \$25.54 per square foot of living area. The evidence reflects that only comparable #1 and #2 have the same percentage of ownership in the common elements as the subject. The subject's improvement assessment is \$22.99 per square foot of building area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$70,086 was disclosed. This assessment reflects a market value of \$783,959 using the Illinois Department of Revenue's 2010 three-year median level of assessment for class 2 property of 8.94%. In support of the subject's assessment, the board of review also submitted a memo from Dan Michaelides, a Cook County Board of Review Analyst. The memorandum shows that 8.0242% of ownership within the subject's building sold in 2010 for a total of \$1,058,000. An allocation of two percent per unit for personal property was subtracted from the aggregate sales price then divided by the percentage of interest of units sold to arrive at a total market value for the building of \$12,710,301. The subject's percentage of ownership, 5.9803, was then utilized to arrive at a value for the subject unit of \$760,114. The board also submitted a grid listing for each unit in the building: the property identification number; the percentage of ownership; the assessment; and sales data and prices of units sold in 2010. As a result of its analysis, the board requested confirmation of the subject's assessment.

In rebuttal, the appellants submitted a letter asserting that the board of review's evidence "applies a percentage of ownership on sold units in the building and does not recognize actual market value of the subject." In addition, the appellants submitted appraisal evidence. The Official Rules of the Property Tax Appeal Board prohibit the submission of new evidence as rebuttal and, therefore, the appraisal cannot be considered by the PTAB. 86 Ill.Admin.Code 1910.66

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.

When overvaluation is claimed, the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3d Dist. 2002; Winnbago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d(2d 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 evidence indicates a reduction in the subject's assessment is not warranted.

The PTAB finds that the subject's market value per the appellant's evidence of the settlement statement is reflective of the market value of the improvement in 2007. In addition, the appellants' sale data evidence includes four units with the same percentage of ownership as the subject which sold from July 1988 to July 2007. No evidence was submitted to substantiate that the subject's sale price in 2007 and the sales data from 1988 to 2007 are reflective of the market value in 2010. Furthermore, the year the subject sold and the appellant's sale data are in a different assessment triennial than the 2007 tax year. After considering the evidence submitted, the PTAB finds the subject's improvement assessment is supported and a reduction in the subject's assessment is not warranted.

The appellant contends unequal treatment in the subject's improvement assessment as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the PTAB finds the appellant has met this burden.

The appellant presented assessment data on a total of four equity comparables. However, only two of the equity comparables have the same percentage of ownership as the subject. The PTAB finds the appellants did not meet the burden of proof necessary to show the subject property was inequitably assessed in that only two comparables were submitted. Appellants' two comparables does not constitute a range. Furthermore, the four equity properties have improvement assessments that range from \$24.12 to \$25.54 per square foot of living. The subject's improvement assessment of \$22.99 is below that of the comparables. Therefore, the PTAB finds the subject's per square foot improvement assessment is supported and a reduction in the subject's assessment is not warranted.

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.

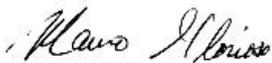


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Chairman



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Member

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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: May 24, 2013



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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.