



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

APPELLANT: Ned Dikmen
DOCKET NO.: 10-35278.001-R-1
PARCEL NO.: 17-04-440-021-0000

The parties of record before the Property Tax Appeal Board are Ned Dikmen, the appellant; 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: \$31,700
IMPR.: \$68,875
TOTAL: \$100,575

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with two, row house style apartment buildings of masonry exterior construction that were built in approximately 1923. The buildings contain 2,885 and 2,675 square feet of building area, respectively. The subject property is not owner occupied. The subject property is located in North Chicago Township, Cook County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal estimating the subject property has a market value of \$1,125,000 as of January 1, 2009, using the three traditional approaches to value. The appellant's evidence further disclosed the subject property was the matter of an appeal before the Property Tax Appeal Board the prior assessment year under Docket Number 09-33068.001-R-1. In that appeal, the Property Tax Appeal Board issued a decision reducing the subject's assessment to \$112,500. Based on this evidence the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$112,499 was disclosed. The subject's assessment reflects an estimated market

value of \$1,258,378 when applying the 2010 three-year median level of assessment for Class 2 property under the Cook County Real Property Assessment Classification Ordinance of 8.94%. The board of review requested the Property Tax Appeal Board "rollover" its 2009 decision as applied under Docket Number 09-33068.001-R-1 for a total assessment of \$112,500, which represents a \$1 assessment increase.

The appellant was notified of this suggested agreement and given thirty (30) days to respond if the offer was not acceptable. The appellant did not respond to the Property Tax Appeal Board by the established deadline.

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. The Board further finds a reduction in the subject's assessment is justified.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value 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, 331 Ill.App.3d 1038 (3rd Dist. 2002); 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the appraisal of the subject property submitted by the appellant for \$1,125,000. The subject's assessment reflects an estimated market value of \$1,258,378, which is greater than the appraisal submitted by the appellant. Therefore, a reduction in the subject's assessment is warranted. Since fair market value has been established, the 2010 three-year median level of assessment for Class 2 property under the Cook County Real Property Assessment Classification Ordinance of 8.94% shall apply. (86 Ill.Admin.Code §1910.50(c)(2)(A)).

The Property Tax Appeal Board further finds the board of review's request to "rollover" the subject's reduced assessment from the Board's prior year's decision under Docket Number 09-33068.001-R-1 to be misplaced. In the 2009 appeal, the Board reduced the subject's assessment to \$112,500. The Board takes notice of the relevant provisions outlined in Section 16-185 of the Property Tax Code (35 ILCS 200/16-185), which provides in pertinent 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** (Emphasis Added), 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. (35 ILCS 200/16-185).

The Property Tax Appeal Board finds that its prior year's decision should not be carried forward to the subsequent assessment year. The Board finds the subject parcel in this appeal consist of a multi-family residence that is not occupied by the owner. Since the subject property is not owner occupied, the subject's 2009 reduced assessment issued by this Board does not "rollover" or is not to be carried forward to the subsequent assessment year pursuant to the dictates of section 16-185 of the Property Tax Code. (35 ILCS 200/16-185).

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.

Donald R. Cuit

Chairman

Frank J. Huff

Member

Mark Morris

Member

JR

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: 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.