



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

APPELLANT: Sheffield S. Hyde
DOCKET NO.: 06-20750.001-R-1
PARCEL NO.: 01-04-301-007-0000

The parties of record before the Property Tax Appeal Board are Sheffield S. Hyde, the appellant, by attorney Donald T. Rubin, of Rubin & Norris 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: \$ 17,080
IMPR.: \$ 210,794
TOTAL: \$ 227,874**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-year old, two-story style dwelling of frame and masonry construction containing 6,580 square feet of living area with a full, finished basement, central air conditioning, three fireplaces and a four-car garage.

The appellant submitted evidence before the Property Tax Appeal Board claiming unequal treatment in the assessment process and overvaluation as the bases of the appeal. In support of the equity argument, the appellant submitted a grid analysis detailing five suggested comparable properties. The comparables have the same classification code as the subject and are masonry or frame and masonry dwellings. They range in age from four to 33 years old. They have full basements, three of which are finished, fireplaces and a garage. The comparables range in size from 5,954 to 10,092 square feet of living area and have improvement assessments ranging from \$20.43 to \$25.93 per square foot. The subject property has an improvement assessment of \$34.04 per square foot.

With respect to the overvaluation claim, the appellant submitted the closing statement evidencing the subject land was purchased on May 3, 2002 for \$476,500. The subject dwelling was constructed and occupied on September 13, 2005. A copy of the

occupancy permit was submitted. The appellant also submitted the sworn contractor's statement, indicating a cost of construction of \$1,775,224 for the subject dwelling. Thus, the appellant claims the subject's market value was \$2,251,724 as of the January 1, 2006 assessment date. 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 \$241,042 was disclosed. The subject's assessment reflects a market value of \$2,381,838 using the 2006 three year median level of assessments for class 2 property of 10.12%. In support of the subject's assessment, the board of review offered a spreadsheet detailing one suggested comparable property. This property consists of a two-story frame and masonry dwelling containing 6,002 square feet. The age of the comparable was not disclosed and its property characteristic sheet was not submitted. The comparable has a full, finished basement, central air conditioning, four fireplaces and a four-car garage. It has an improvement assessment of \$1.81 per square foot. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant's attorney argued the board of review's comparable was located 3.6 miles from the subject, while the appellant's comparables were located within blocks of the subject.

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 Property Tax Appeal Board further finds that a reduction in the subject's assessment is warranted.

The appellant claimed the subject property's assessment was not reflective of its market value. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2d 1256 (2d Dist. 2000). The Board finds that based on the evidence contained in the record the appellant has sufficiently established overvaluation by a preponderance of the evidence and a reduction in the subject's total assessment is warranted.

The Board finds the evidence of the subject's recent land sale and the total cost of construction as evidenced by the appellant demonstrates the subject property is overvalued. The subject's land sale and cost of construction indicates a value of \$2,251,724. The subject's assessment reflects a market value of \$2,381,838 and is in excess of this amount. Thus, the Board finds the subject's land sale plus cost of construction is the best indication of the subject's market value contained in the record and the 2006 three-year median level of assessments for Cook County Real Property Assessment Classification Ordinance Class 2 property of 10.12% as determined by the Illinois

Department of Revenue shall apply. (86 Ill.Admin.Code 1910.50(c)(2))

The appellant also argued the subject property was inequitably assessed. The Illinois Supreme Court has held that 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). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellant has not met this burden.

The Board finds the appellant's comparables differed from the subject in age and size. Four comparables differed from the subject in exterior construction. The board of review's comparable appears to have a partial assessment. However, information on this comparable was not made part of the record. Thus, the Board placed little weight on the comparables submitted by either party. Therefore, the Board finds the appellant has not shown by clear and convincing evidence the subject property was inequitably assessed.

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

Frank J. Huff

Member

Member

Mario M. Louie

Shawn R. Lerski

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: May 21, 2010

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.