



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

APPELLANT: Mark & Elke Elliott
DOCKET NO.: 10-23680.001-R-1
PARCEL NO.: 09-26-204-034-0000

The parties of record before the Property Tax Appeal Board are Mark & Elke Elliott, the appellants, by attorney Joanne Elliott, of Elliott & Associates, P.C. in Des Plaines; 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: \$ 8,776
IMPR.: \$89,564
TOTAL: \$98,340

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Cook County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2010 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property is a ten year-old, two-story dwelling of masonry construction containing 4,400 square feet of living area. Features of the home include a full finished basement, air conditioning, two fireplaces and a three-car garage. The

property has a 13,002 square foot site and is located in Maine Township, Cook County. The property is a class 2-08 property under the Cook County Real Property Assessment Classification Ordinance.

The appellants contend overvaluation as the basis of the appeal. In support of this argument, the appellants submitted information on three comparable sales. These sales occurred from October 2009 through May 2010. They sold from \$1,050,000 to \$1,125,000, or from \$163.42 to \$279.02 per square foot of living area including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$126,782. The subject's assessment reflects a market value of \$1,419,150, or \$322.53 per square foot of living area including land, when applying the 2010 three-year average median level of assessment for Class 2 property of 8.94% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted information on four suggested sale comparables with equity assessment data included for each. These sales occurred from June 2009 through August 2010. They sold from \$1,025,000 to \$1,235,000, or from \$245.63 to \$299.61 per square foot of living area including land. The board of review calculated its comparable #2 at \$322.62 per square foot of living area including land.

In rebuttal, the appellants argued that the board of review erred in calculating the per square foot of living area sale price of their comparable #2, and that it is correctly at \$299.61 square feet. The appellants also argued that board of review's equity evidence supports a reduction in the subject's assessment even though the appellants never raised an equity argument in their Residential Appeal. Finally, the appellants argued that their sales data were obtained from the Multiple Listing Service and are more reliable than the board of review's sales data.

Conclusion of Law

The appellants contend 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. 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 appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds that the appellants failed to establish that the data they provided for their sales were any more reliable than the data the board of review submitted for its sale comparables. Without evidence in support of this argument, the Board takes the evidence submitted by all parties in support of their arguments at face value. However, the Board also finds that the board of review erred in calculating its comparable #2 sale price per square foot. The Board finds that the correct calculation is \$299.61 per square feet of living area including land, not \$322.62 per square foot as disclosed in the board of review's evidence.

The Board finds the best evidence of market value to be the appellants' comparable sales #2 and #3, and the board of review comparable sales #2 and #4. These comparables sold for prices ranging from \$243.47 to \$299.61 per square foot of living area, including land. The subject's assessment reflects a market value of \$320.38 per square foot of living area including land, which is above the range established by the best comparable sales in this record. Based on this evidence, the Board finds a reduction in the subject's assessment is justified.

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

K. L. Fan

Klaus Albrecht

Member

Member

JR

Jerry White

Member

Acting Member

Robert Steffen

Acting 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 20, 2015

A. Proctor

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.