



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

APPELLANT: Francis E. Napleton  
DOCKET NO.: 10-24920.001-R-1  
PARCEL NO.: 18-30-306-038-0000

The parties of record before the Property Tax Appeal Board are Francis E. Napleton, the appellant, by attorney Jason T. Shilson, of O'Keefe Lyons & Hynes, LLC 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:** \$ 17,785  
**IMPR.:** \$139,200  
**TOTAL:** \$156,985

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant 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 consists of a 19-year-old, two-story dwelling with 6,960 square feet of living area of stucco construction. Features of the home include a full basement,

central air conditioning, two fireplaces and a 3.5-car garage. The property has a 30,932 square foot site and is located in Lyons Township, Cook County. The subject is classified as a class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation and assessment inequity as the basis of the appeal. In support of those arguments, the appellant submitted information on four suggested equity comparables. In addition, the appellant submitted a housing report prepared by the Regional Economics Application Laboratory, Institute of Government and Public Affairs, and University of Illinois that argues the excess supply of available properties for sale as a result of bad economic conditions leads to lower prices. Exhibit A. The appellant also submitted, as Exhibit B, a market value analysis that estimates the subject's market value based on limited data on six sales. Finally, the appellant submitted, as Exhibit C, a spreadsheet labeled "2010 Uniformity Analysis" that again reiterates the four equity comparables used in the appellant's prior grid as well as assessor database printouts.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$176,211. The subject's assessment reflects a market value of \$1,971,040 or \$283.20 per square foot of living area, including land, when applying the 2010 three year 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 two different grid sheets. The first grid sheet includes descriptive, assessment, and sales data on four properties. The properties are described as two-story, single-family dwellings ranging: in age from two to 27 years; in building size from 6,019 to 7,124 square feet of living area, in improvement assessment from \$22.19 to \$31.39 per square foot of living area; in sale price from \$279.97 to \$332.28 per square foot of living area; and they sold from July, 2009 to October, 2010.

The second grid sheet contains descriptive and assessment data on four properties located on the same block as is the subject. The properties are described as two-story, single-family dwellings that range: in age from 7 to 16 years; in building size from 5,726 to 6,733 square feet of living area; in improvement assessment from \$26.20 to \$29.71 per square foot of

living area. Sales data was submitted on properties #2 and #3, which sold from June, 2007 to July, 2009 for prices ranging from \$279.97 to \$356.45 per square foot of living area.

### Conclusion of Law

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. 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted on this issue.

The Board finds the best evidence of market value to be appellant's comparable sales #1, #3, #4, #6, and the board of review's comparable sales #1, #3, and #4. These comparables sold for prices ranging from \$166.17 to \$300.13 per square foot of living area, including land. The subject's assessment reflects a market value of \$283.20 per square foot of living area, including land, which is within 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 not justified.

The taxpayer also contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). 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 assessment equity to be appellant's equity comparables #2, #3, #4, and the board of review's comparable #4 on grid sheet #1. These comparables had improvement assessments that ranged from \$17.78 to \$22.19 per square foot of living area. The subject's improvement assessment of \$22.76 per square foot of living area falls above

the range established by the best comparables in this record. Based on this record the Board finds the appellant did demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and 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.