



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

APPELLANT: Dennis Leary
DOCKET NO.: 10-32184.001-R-1
PARCEL NO.: 14-33-107-005-0000

The parties of record before the Property Tax Appeal Board are Dennis Leary, the appellant, by attorney Richard J. Caldarazzo, of Mar Cal Law, P.C. in Chicago; 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: \$22,500
IMPR.: \$88,589
TOTAL: \$111,089

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 three-story multi-family dwelling of masonry construction with 4,543 square feet of living area. The dwelling is 123 years old. Features of the

home include a full basement apartment and a three-car garage. The property has a 3,000 square foot site and is located in Chicago, North Chicago Township, Cook County. The subject is classified as a class 2-11 apartment building under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on both overvaluation and unequal treatment in the assessment process regarding the subject's improvement assessment. The appellant did not contest the subject's land assessment.

In support of the overvaluation argument the appellant submitted evidence disclosing the subject property was purchased on November 23, 2004 for a price of \$965,000.

In support of the improvement inequity argument, the appellant submitted information on three suggested comparable properties that range in size from 4,456 to 6,437 square feet of living area and range in age from 102 to 126 years old. The comparables have improvement assessments ranging from \$17.00 to \$18.44 per square foot of living area.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$103,320.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$111,089. The subject's assessment reflects a market value of \$1,110,890 or \$244.53 per square foot of living area, land included, when using the Cook County level of assessments for class 2 property of 10%.

The subject has an improvement assessment of \$88,589 or \$19.50 per square foot of living area.

In support of its contention of the correct assessment the board of review submitted information on four suggested comparable properties that range in size from 4,214 to 4,417 square feet of living area and range in age from 120 to 131 years old. The comparables have improvement assessments ranging from \$20.11 to \$25.79 per square foot of living area.

Conclusion of Law

The appellant contends in part, that 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 no reduction in the subject's assessment is warranted on grounds of overvaluation.

The Board finds the appellant's evidence of market value to be dated. The appellant claims the subject is over assessed based on the subject's sale in November of 2004 for \$965,000, five years and one month prior to the January 1, 2010 assessment date. The Board finds that the sale would not be a reliable indicator of the subject's market value as of January 1, 2010. Based on this record the Board finds the appellant's evidence was insufficient to shift the burden of overvaluation to the Cook County Board of Review and a reduction in the subject's assessment is not appropriate.

The taxpayer also contends assessment inequity as an alternative 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the best evidence of assessment equity to be board of review comparables #1, #2 and #3. These comparables were most similar to the subject in age, size and other features. The Board gave less weight to the parties' remaining comparables due to their lack of finished basement area, unlike the subject. The most similar comparables had improvement assessments that ranged from \$20.11 to \$25.79 per square foot of living area. The subject's improvement assessment of \$19.50 per square foot of living area falls below the range established by the best comparables in this record. Based on this record the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not 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

Klaus Albrecht

Member

[Signature]

Member

Jerry White

Member

Robert Steffen

Acting Member

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

[Signature]

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.