



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

APPELLANT: Thomas Figler
DOCKET NO.: 11-33011.001-R-1
PARCEL NO.: 14-30-404-085-0000

The parties of record before the Property Tax Appeal Board are Thomas Figler, the appellant, by attorney Christopher G. Walsh, Jr. 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: \$17,937
IMPR.: \$177,694
TOTAL: \$195,631

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) challenging the assessment for the 2011 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 improved with a three-story dwelling of masonry construction. The dwelling is approximately five years old and contains 4,334 square feet of living area. Features of the home include a full finished basement, central air conditioning, a fireplace, and a three-car garage. The subject property has a 3,737 square foot site and is located at 2623 North Paulina in Chicago, Lake View Township, Cook County. The subject is classified as a class 2-08 property under the Cook

County Real Property Assessment Classification Ordinance (hereinafter, "the Ordinance").

The subject property was the subject matter of an appeal before the Property Tax Appeal Board for the prior tax year under docket number 10-35220.001-R-1. In this appeal, the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property to \$185,858 based upon the evidence submitted by the parties. The Property Tax Appeal Board takes notice that 2010 and 2011 are within the same general assessment period for Lake View Township. (86 Ill.Admin.Code §1910.90(i)).

The appellant's 2011 appeal is based on assessment equity and "PTAB rollover". In support of these claims, the appellant submitted a letter and a copy of the Property Tax Appeal Board decision for the 2010 tax year. No equity comparables were submitted. In the letter, appellant's counsel stated that "the enclosed 'rollover' [was] being submitted pursuant to 35 ILCS 200/16-185 within 30 days of the April 18, 2014 decision of its predecessor appeal." Counsel requested that the subject's total assessment be reduced to \$185,858 (\$17,385 for land and \$168,473 for the improvement).

The board of review submitted its "Board of Review Notes on Appeal" wherein the 2011 final assessment of the subject property totaling \$195,631 (\$17,937 for land and \$177,694 for the improvement) was disclosed. The board of review presented descriptions and assessment information on four equity properties. Three of these comparables also sold from July 2008 to April 2010 for prices ranging from \$1,700,000 to \$2,235,000 or from \$429.51 to \$542.08 per square foot of living area, land included. The subject's assessment reflects a market value of \$1,956,310 or \$451.39 per square foot of living area, land included, when applying the 10% level of assessment for class 2-08 residential property pursuant to the Cook County Real Property Assessment Classification Ordinance.

The board of review also submitted a supplemental brief from Katherine Latuszek, a board of review analyst. In the brief, the analyst argued that the subject property was not owner-occupied because the appellant had never received a homeowner's exemption for the subject property. Based on this argument, the board of review requested confirmation of the subject's assessment.

The appellant did not respond to the board of review's assertion that the subject dwelling was not owner-occupied.

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 appellant contends that pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185), the Property Tax Appeal Board's 2010 decision should be carried forward to the 2011 tax year subject only to equalization.

The Board finds the appellant failed to demonstrate the subject's 2010 assessment as determined by the Property Tax Appeal Board should be carried forward to the 2011 tax year pursuant to section 16-185 of the Property Tax Code. The Board finds the appellant failed to establish that the subject property was an owner-occupied residence. The board of review submitted a statement asserting the property was not receiving a homeowner exemption, therefore, the home is not owner-occupied and section 16-185 of the Property Tax Code was inapplicable in allowing the reduced 2010 assessment to remain in effect for the 2011 tax year. The appellant did not refute this assertion.

The Board finds the board of review submitted both equity information and three comparable sales that support the subject's assessment. Based on this record, the Board finds a reduction in the 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



Member



Member

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 22, 2015



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.