



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

APPELLANT: Ruth Buck Estate
DOCKET NO.: 12-20410.001-R-1
PARCEL NO.: 05-35-408-043-0000

The parties of record before the Property Tax Appeal Board are Ruth Buck Estate, the appellant(s), by attorney Arnold G. Siegel, of Siegel & Callahan, 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 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: \$12,986
IMPR.: \$52,422
TOTAL: \$65,408

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 2012 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 10,601 square foot parcel of land improved with a 97-year old, two-story, frame, single-family dwelling containing 3,100 square feet of living area. The property is located in Evanston Township, Cook County and is a

class 2-06 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$675,000 as of January 1, 2010. The appellant also included a letter from the appraiser updating the appraisal for January 1, 2011 and opined that there would be no significant change in value from January 1, 2010. The appellant is listed as Ruth Buck estate while the appraisal lists the client of the subject as Thomas Buck with an address that differs from the subject property.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$80,783. The subject's assessment reflects a market value of \$833,674 using the Illinois Department of Revenue's three-year median level of assessment for class 2, residential property of 9.69% for tax year 2011.

In support of its contention of the correct assessment the board of review submitted four sale comparables. The board of review also included the property characteristic printout wherein the taxpayers address differs from the subject's.

The board of review also included a motion to dismiss as the appellant's appraisal does not provide an estimate of value as of the lien date in question.

In rebuttal, the appellant submitted a letter addressing the board of review's comparables and a response to the motion to dismiss. The appellant asserted that the board of review historically leaves an assessed value in place during a triennial cycle. The appellant also argued that the board of review's caselaw was distinctive from the instant appeal.

Conclusion of Law

The Board denies the board of review's motion to dismiss. The argument the board of review makes goes towards the weight the Board will give the evidence.

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

The Board finds the best evidence of market value to be the appraisal submitted by the appellant. The subject's assessment reflects a market value above the best evidence of market value in the record. Therefore, the Board finds the subject had a market value of \$675,000. Since the market value of this parcel has been established, the 2012 Illinois Department of Revenue three-year median level of assessment for Class 2 property of 9.69% will apply and a reduction is warranted.

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



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: September 18, 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.