



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

APPELLANT: Janis Obiala  
DOCKET NO.: 12-33005.001-R-1  
PARCEL NO.: 04-25-100-137-0000

The parties of record before the Property Tax Appeal Board are Janis Obiala, the appellant, by attorney Adam E. Bossov, of the Law Offices of Adam E. Bossov, P.C. in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented in this matter, 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:** \$ 32,439  
**IMPR.:** \$102,303  
**TOTAL:** \$134,742

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 is a four year-old, two-story dwelling of masonry construction containing 5,091 square feet of living area. Features of the home include a full finished basement, central air conditioning, three fireplaces and a three-car garage. The property has a 38,164 square foot site and is located in Northfield Township, Cook County. The property is a Class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends assessment inequity and a contention of law as the bases of the appeal. In support of the assessment inequity argument, the appellant submitted information on four suggested equity comparables. The appellant requested a total assessment reduction to \$120,513. In support of the contention of law, the appellant argued that since the Cook County Assessor reduced the total assessment for lien year 2011, the total assessment for 2010 should be

reduced pursuant to the holding of the Supreme Court in Hoyne Savings & Loan Association v. Hare, 60 Ill.2d 84, 322 N.E.2d 833 (1974).

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$134,742. The subject property has an improvement assessment of \$102,303, or \$20.09 per square foot of living area. In support of its contention of the correct assessment, the board of review submitted information on four suggested equity comparables, one of which included sale data.

### **Conclusion of Law**

The taxpayer 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 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 the appellant's comparable #3, and the board of review's comparable #1, #2 and #4. These comparables had improvement assessments that ranged from \$17.81 to \$26.08 per square foot of living area. The subject's improvement assessment of \$20.09 per square foot of living area falls within 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 holds that a reduction in the subject's assessment is not justified.

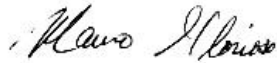
As for the appellant's contention of law, the Board notes that the appellant prays for a reduction of the 2010 assessment. That tax year is not the subject of a case in controversy before the Board because the tax lien year for the instant appeal is 2012. The matter of the appellant's assessment for 2011 is also not a case in controversy. The Board takes judicial notice that the appellant's 2011 assessment appeal before the Board, docket #11-32646.001-R-1, was dismissed on October 11, 2013.

As for the appellant's Hoyne argument, the Board finds that there is no merit to the argument that Hoyne stands for the proposition that an assessment reduction in a subsequent year requires an assessment reduction in the tax year at issue absent a glaring error in calculation. The Supreme Court in Hoyne observed that the facts in that case presented unusual circumstances coupled with a grossly excessive assessment increase from \$9,510 in 1970 to \$246,810 in 1971. Consequently, it remanded the case for the lower court to ascertain the correct assessed valuation. Hoyne, 60 Ill.2d at 89-90, 322 N.E.2d at 836-37. The appellant inverts the holding in that case. The Supreme Court in Hoyne never found the 1970 assessment to be in error; it found the 1971 assessment to be grossly excessive. The Appellate Court in Moroney v. Illinois Property Tax Appeal Board, 2013 Ill.App. (1<sup>st</sup>) 120493, distinguished Hoyne as confined to its unique facts. The Court rejected that appellant's argument that Hoyne stood for the proposition that "subsequent actions by assessing officials are fertile grounds to demonstrate a mistake in

prior year's assessments." Moroney, 2013 Ill.App. 120493 at ¶46. There was no evidence in Moroney that there was any error in the calculation of the taxpayer's 2005 assessment. The Appellate Court observed, "just because factors warranting a reduction existed in 2006, does not mean they existed in 2005, or any other year for that matter (which is why property taxes are assessed every year)." *Id.*

Based on this record, the Board finds the appellant did not demonstrate by a preponderance of the evidence the merit of the contention of law and holds that 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



Member



Member



Member



Acting Member

DISSENTING: \_\_\_\_\_

CERTIFICATION

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:

August 19, 2016



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.