



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

APPELLANT: 326 Custer Series of Nicki Enterprises  
DOCKET NO.: 12-35460.001-R-1  
PARCEL NO.: 11-30-110-062-0000

The parties of record before the Property Tax Appeal Board are 326 Custer Series of Nicki Enterprises, the appellant(s), by attorney Edwin M. Wittenstein, of Worsek & Vihon 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 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:** \$8,156  
**IMPR.:** \$65,000  
**TOTAL:** \$73,156

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 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 43 year-old, three-story multi-family dwelling of masonry construction containing 7,611 square feet of living area. Features of the home include a slab foundation and a three and one-half-car garage. The property has a 6,942 square foot site located in Evanston Township, Cook County. It is a Class 2 property under the Cook County Real Property Assessment Classification Ordinance. There is no evidence in the record whether the subject was owner-occupied.

The appellant requested the Board to accept the instant appeal as a direct appeal from the Board's July 22, 2016 decision to reduce the subject's assessment in docket #11-33623.001-R-1. In support of this request, the appellant attached a copy of that decision and a letter dated August 11, 2016 requesting a direct appeal. The appellant contends assessment inequity as the basis of

the appeal. In support of this argument, the appellant submitted information on six suggested equity comparables. The appellant requested a total assessment reduction to \$72,469.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$79,935. The subject property has an improvement assessment of \$71,779, or \$9.43 per square foot of living area. In support of its contention of the correct assessment, the board of review submitted information on three suggested equity comparables.

### **Conclusion of Law**

The appellant 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 appellant filed a timely direct appeal request. The Board finds the best evidence of assessment equity to be the appellant's comparables #4, #5 and #6. These comparables had improvement assessments that ranged from \$8.14 to \$8.61 per square foot of living area. The subject's improvement assessment of \$9.43 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 holds that 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.



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Chairman



\_\_\_\_\_  
Member



\_\_\_\_\_  
Acting Member



\_\_\_\_\_  
Member



\_\_\_\_\_  
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 18, 2017



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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.