



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

APPELLANT: Joseph Mitchell
DOCKET NO.: 12-36048.001-R-1
PARCEL NO.: 09-10-301-120-0000

The parties of record before the Property Tax Appeal Board are Joseph Mitchell, the appellant, by attorney Herbert B. Rosenberg, of Schoenberg Finkel Newman & Rosenberg LLC, 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: \$16,741
IMPR.: \$48,259
TOTAL: \$65,000

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a 2011 Final Administrative Decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) in order to challenge 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 two-story dwelling of brick construction with 3,953 square feet of living area. The dwelling was approximately 11 years old. Features of the home include a full basement, central air conditioning, a fireplace and a three-car garage. The property has a 21,602 square foot site and is located in Des Plaines, Maine Township, Cook County.

The appellant contends the assessment of the subject property as established by the decision of the Property Tax Appeal Board for the 2011 tax year should be carried forward to the 2012 tax year pursuant to section 16-185 of the Property Tax Code. (35 ILCS 200/16-185). The appellant disclosed that the subject property is an owner-occupied residence that was the subject matter of an appeal before the Property Tax Appeal Board the prior year under Docket Number 11-35126.001-R-1. In that appeal the Property Tax Appeal Board issued a decision lowering the assessment of the subject property to \$65,000 based on the stipulation executed by the parties.

The appellant's attorney asserted that tax years 2011 and 2012 are within the same general assessment period for Maine Township.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$73,348. The subject property has an improvement assessment of \$14.32 per square foot of living area.

In support of its contention of the correct assessment the board of review submitted three equity comparables located in the same block as the subject property and in the same neighborhood code assigned by the assessor. The comparables consist of two-story masonry or frame and masonry dwellings that were either 3 or 28 years old. The homes each have full basements, central air conditioning, two or three fireplaces and a 3-car or a 3.5-car garage. The comparables have improvement assessments ranging from \$60,899 to \$84,541 or from \$14.81 to \$18.07 per square foot of living area.

As part of its "Board of Review – Notes on Appeal" the board of review reported that 2010 was the first year of the general assessment cycle for the subject property.

Based on the foregoing equity evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant reiterated that the subject property is an owner-occupied residence which was not sold during the 2010 – 2012 triennial period. This assertion was supported by a printout from the Cook County Assessor's Exemption Information concerning this property illustrating the property has been afforded a homeowner exemption for the period of 2010 through 2012. Counsel argued for application of Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) to carry the prior year's decision forward, subject to equalization.

Conclusion of Law

The appellant raised a contention of law asserting that the assessment of the subject property as established by the Property Tax Appeal Board for the 2011 tax year should be carried forward to the 2012 tax year pursuant to section 16-185 of the Property Tax Code. (35 ILCS 200/16-185). When a contention of law is raised the burden of proof is a preponderance of the evidence. (See 5 ILCS 100/10-15). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Property Tax Appeal Board finds that the assessment as established by the Property Tax Appeal Board for the 2011 tax year should be carried forward to the tax year at issue subject only to equalization as provided by section 16-185 of the Property Tax Code.

Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) states in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the

remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

The record disclosed the Property Tax Appeal Board issued a decision reducing the subject's assessment for the 2011 tax year. The record further indicates that the subject property is an owner-occupied dwelling and that 2011 and 2012 are within the same general assessment period. The record contains no evidence indicating the subject property sold in an arm's length transaction after the Board's decision or that the decision of the Property Tax Appeal Board has been reversed or modified upon review. The "Board of Review – Notes on Appeal" also disclosed that no township equalization factor was applied in 2012. For these reasons the Property Tax Appeal Board finds that a reduction in the subject's assessment is warranted to reflect the assessment as established in the Board's prior year's decision.

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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.

Chairman





Member

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: November 19, 2019



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

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