



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

APPELLANT: Mark Swindell
DOCKET NO.: 16-22942.001-R-1
PARCEL NO.: 02-15-210-008-0000

The parties of record before the Property Tax Appeal Board are Mark Swindell, the appellant, by attorney John S. Xydakis, of the Law Offices of John S. Xydakis 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: \$3,607
IMPR.: \$14,451
TOTAL: \$18,058

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 2016 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 one-story dwelling of frame construction. The dwelling is 49 years old and has 720 square feet of living area and a concrete slab foundation. The property has an 11,100 square-foot site and is located in Palatine, Palatine Township, Cook County. The subject is classified as a class 2-02 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends assessment inequity as the basis of the appeal. In support of this argument, the appellant submitted information on four equity comparables with the same neighborhood and classification codes as the subject. The comparables are improved with one-story dwellings of frame or masonry construction. The dwellings are from 67 to 123 years old and contain from 857 to 895 square feet of living area. Three comparables have unfinished basements. Information regarding garages was not provided on the appellant's grid analysis;

however, the appellant's photographic evidence revealed that at least two comparables have garages. The appellant also submitted a map which revealed that three comparables were located near the subject property. The comparables have improvement assessments ranging from \$-13,853 to \$15,245 or from \$16.03 to \$17.79 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment to \$12,233 or \$16.99 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$18,058 was disclosed. The subject property has an improvement assessment of \$14,451 or \$20.07 per square foot of living area. The board of review presented descriptions and assessment information on three comparable properties. The comparables have the same neighborhood and classification codes as the subject, and one was described as being located a quarter-mile from the subject property. The comparables are improved with one-story dwellings of frame or frame and masonry construction. The dwellings are from 63 to 67 years old and contain from 624 to 948 square feet of living area. Two comparables have full unfinished basements, and one has a concrete slab foundation like the subject. Each comparable has a garage, and one comparable also has central air conditioning and two fireplaces. The comparables have improvement assessments ranging from \$13,164 to \$21,104 or from \$21.10 to \$23.94 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 parties presented assessment data on a total of seven suggested comparables. The Board finds the appellant's comparables #2 and #4 were considerably older than the subject and the appellant's comparables #1, #2 and #4 and board of review comparables #1 and #2 had basements that were dissimilar from the subject's concrete slab foundation. As a result, these five comparables received reduced weight in the Board's analysis. The Board finds the best evidence of assessment equity to be the appellant's comparable #3 and board of review comparable #3. The Board finds these comparables lacked basements and were generally similar to the subject in other characteristics as well. The appellant's comparable #3 and board of review comparable #3 had improvement assessments of \$15,245 and \$13,164 or \$17.79 and \$21.10 per square foot of living area, respectively. The subject's improvement assessment of \$14,451 or \$20.07 per square foot of living area falls between the improvement assessments of the best comparables in this record. After considering adjustments to the comparables for differences from the subject, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and 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. 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: May 21, 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

AGENCY

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