



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

APPELLANT: Javier Guzman
DOCKET NO.: 09-26798.001-C-1
PARCEL NO.: 25-02-318-062-0000

The parties of record before the Property Tax Appeal Board are Javier Guzman, the appellant(s), by attorney Richard Edward Zulkey, of Richard E. Zulkey & Associates, Chtd. 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: \$ 56,953
IMPR.: \$ 6,797
TOTAL: \$ 63,750

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 2009 tax year. The Property Tax Appeal Board (the "Board") finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject consists of a one-story building with 7,830 square feet of building area. The building is 52 years old. The property has a 50,625 square foot site, and is located in Chicago, Hyde Park Township, Cook County. The subject is classified as a class 5-22 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 \$255,000 as of January 1, 2010. The appellant also submitted evidence disclosing the subject property was purchased on January 31, 2005 for a price of \$450,000. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The appellant also seeks a general reduction due to the "economic recession," for an unspecified amount.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$132,867. The subject's assessment reflects a market value of \$531,468, or \$67.88 per square foot of building area, including land, when applying the 2009 statutory level of assessment for commercial property under the Cook County Real Property Assessment Classification Ordinance of 25.00%.

In support of its contention of the correct assessment, the board of review submitted information on five comparable sales from the CoStar Comps Service.

Conclusion of Law

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 sale of the subject in January 2005 was given no weight in the Board's analysis, as it was too remote in time to accurately depict the subject's market value as of January 1, 2009. The subject's assessment reflects a market value above the best evidence of market value in the record. The Board finds the subject property had a market value of \$255,000 as of the assessment date at issue. Since market value has been established the 2009 statutory level of assessment for commercial property under the Cook County Real

Property Assessment Classification Ordinance of 25.00% shall apply. 86 Ill.Admin.Code §1910.50(c)(3).

The Board further finds that the subject is not entitled to a general reduction due to the "economic recession." The appellant provided no evidence to support how the "economic recession" impacted the subject's market value directly, if at all. Moreover, any impact the "economic recession" had on the subject's market value would be reflected in the sales comparison approach in the appellant's appraisal. Therefore, the Board finds this argument is not supported by any evidence, and is without merit.

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



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: January 23, 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.