



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

APPELLANT: Gerry Tadros
DOCKET NO.: 12-25153.001-R-1
PARCEL NO.: 20-16-101-076-0000

The parties of record before the Property Tax Appeal Board are Gerry Tadros, the appellant, by attorney Joanne Elliott, of Elliott & Associates, P.C. in Des Plaines; 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: \$1,787
IMPR.: \$1,863
TOTAL: \$3,650

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 consists of a three-story multi-family dwelling of masonry construction with 4,851 square feet of living area. The dwelling is 119 years old and has a full unfinished basement. The property has a 3,250 square foot site and is located in Chicago, Lake Township, Cook County. The subject is classified as a class 2-11 apartment building under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on April 7, 2011 for a price of \$36,500. In addition, the appellant's attorney submitted a brief disclosing the subject was damaged by fire and was uninhabitable in 2012. The appellant supplied photographs depicting the fire damage. The appellant's evidence of the subject's sale included a copy of the settlement statement disclosing the amount of broker fees paid at closing and a copy of the Multiple Listing

Service (MLS) listing associated with the subject's sale. The appellant also provided a vacancy affidavit stating the property was vacant during 2011 as the units were uninhabitable due to a fire.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$13,915. The subject's assessment reflects a market value of \$139,150 or \$28.68 per square foot of living area, land included, when using the level of assessments for class 2 property of 10% under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales, one of which was located in the subject's neighborhood. The sales occurred from April 2009 to June 2011 for prices ranging from \$195,000 to \$379,000 or from \$57.68 to \$78.31 per square foot of living area, including land. In its analysis, the board of review described the subject and each of the comparables as being in "average" condition. Based on this evidence, the board of review requested confirmation of the subject's assessment.

The appellant submitted a rebuttal brief critiquing the board of review's submission. The rebuttal evidence included additional photographs of the subject's uninhabitable area and a MLS sheet revealing the subject sold again in December 2013 for \$32,000.

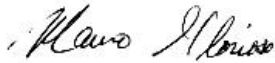
Conclusion of Law

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 purchase of the subject property in April 2011 for a price of \$36,500. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with the MLS and it had been on the market for 14 days. In further support of the transaction the appellant submitted a copy of the settlement statement disclosing the amount of broker fees paid at the closing. Furthermore, the appellant submitted photographs documenting the amount of fire damage sustained by the subject. Additionally, the MLS listing of the subject property describes the building as needing a "total gut rehab" and was being sold "as is". The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value.

The Board gave less weight to the board of review's analysis. Comparable #1 is significantly larger than the subject. Comparable #2 is not located in the subject's neighborhood, is a dissimilar two-story style building, is 7 years old compared to the 119 year old subject building and is significantly smaller than the subject. Comparable #3 is not located in the subject's neighborhood, has a dissimilar slab foundation, is 5 years old compared to the 119 year old subject building and is significantly smaller than the subject. Comparable #4 is not located in the subject's neighborhood, is a dissimilar two-story style building and is significantly smaller than the subject. Additionally, three of the sales occurred greater than 20 months prior to the January 1, 2012 assessment date at issue. As a final point, the board of review described the comparables and the subject building as being in average condition. The Board finds, however, the record clearly demonstrated the subject building had been damaged by fire and was not habitable. Based on this evidence the Board finds the subject building was not in average condition as of the assessment date, which detracts from the credibility and validity of the board of review's analysis. Based on this record the Board finds a reduction in the subject's assessment commensurate with the appellant's request is appropriate.

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: February 24, 2017



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.