



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

APPELLANT: Gerardo Pelayo  
DOCKET NO.: 12-30096.001-R-1  
PARCEL NO.: 13-26-328-028-0000

The parties of record before the Property Tax Appeal Board are Gerardo Pelayo, the appellant, by attorney Stephanie Park, of Park & Longstreet, P.C. in Rolling Meadows; 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:** \$3,750  
**IMPR.:** \$22,068  
**TOTAL:** \$25,818

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 two-story multi-family dwelling of frame construction with 2,078 square feet of living area. The dwelling is 104 years old and features a full finished basement, central air conditioning and a two-car garage. The property has a 3,125 square foot site and is located in Chicago, Jefferson 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 June 3, 2010 for a price of \$174,000. The appellant's evidence supporting the subject's sale included a copy of the Settlement Statement for the subject property and an affidavit from the appellant.

As a secondary approach in arguing overvaluation, the appellant submitted a grid analysis containing 12 sales located in the same neighborhood code as the subject. The sales occurred from October 2009 to August 2012 for prices ranging from \$130,000 to \$165,000 or from \$68.03 to \$76.53 per square foot of living area including land. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$14,140.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$25,818. The subject's assessment reflects a market value of \$258,180 or \$124.24 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 located in the same neighborhood code as the subject. The sales occurred from June 2010 to October 2012 for prices ranging from \$258,000 to \$350,000 or from \$96.70 to \$223.79 per square foot of living area including land.

The appellant submitted a rebuttal brief critiquing the board of review's submission and requesting the appeal be written on the evidence in the record.

### **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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The appellant argued in part, that the subject property was overvalued based on the subject's sale in June 2010 for 174,000. The Board finds the appellant partially completed Section IV - Recent Sale Data of the appeal, which disclosed that the parties to the transaction were not related, the property was sold using a Realtor and the property had been advertised on the open market, however, the length of time it had been on the market was not disclosed. The appellant submitted an affidavit, however, this document does not reveal whether a realtor was used or the length of time the subject was marketed. Furthermore, the Settlement Statement the appellant submitted did not depict that Broker's Fees were paid at closing, which calls into question whether the subject's sale was an arm's-length transaction or not. In addition, the Board finds the subject's purported 2010 sale occurred greater than 18 months prior to the January 1, 2012 assessment date at issue. Due to the lack of information regarding the subject's sale and the sale date occurring greater than 18 months prior to the assessment date at issue, the Board has given the subject's 2010 sale little weight.

The Board finds the best evidence of market value in the record to be the appellant's comparable sale #10 and the board of review's comparable sale #1. These comparables were similar to the subject in location, style, construction, features and age. These properties also sold proximate in time to the assessment date at issue. The comparables sold for prices of \$143,000 and \$319,000

or \$74.48 and \$161.11 per square foot of living area, including land. The subject's assessment reflects a market value of \$258,180 or \$124.24 per square foot of living area, including land, which is supported by the market values of the best sales in this record. The Board further finds the subject property is superior to the appellant's best comparable, due to its central air conditioning feature and slightly larger garage. As to the board of review's best comparable, the Board finds the subject is superior due to its finished basement area, but inferior due to its smaller lot size. Based on this record the Board finds the subject's assessment is reflective of market value 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.



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: December 23, 2016



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.