



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

APPELLANT: Fuentes
DOCKET NO.: 13-33537.001-R-1
PARCEL NO.: 13-04-103-027-0000

The parties of record before the Property Tax Appeal Board are Fuentes, the appellant, by attorney Arnold G. Siegel, of Siegel & Callahan, P.C. 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: \$5,000
IMPR.: \$20,500
TOTAL: \$25,500

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 2013 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 masonry exterior construction with 4,500 square feet of living area. The dwelling is approximately 87 years old. Features of the building include a partial finished basement, central air conditioning and a two-car garage.¹ The property has a 5,000 square foot site and is located in Chicago, Jefferson Township, Cook County. The subject is classified as a class 2-11 property under the Cook County Real Property Assessment Classification Ordinance.

¹ As an initial matter the parties report differences regarding the amount of basement finish, central air conditioning and the two-car garage, the Board finds the best evidence is contained within the appellant's January 2012 appraisal which indicated the appraiser inspected the subject property for the report.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal report. The appraisal estimates the subject property has a market value of \$255,000 as of January 1, 2012.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$48,989. The subject's assessment reflects a market value of \$489,890 or \$108.86 per square foot of living area, including land, when applying the level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10%.

In support of its contention of the correct assessment the board of review submitted information on three² comparable sales, which occurred from April 2013 to December 2013 for prices ranging from \$524,000 to \$590,000 or from \$116.99 to \$138.89 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Counsel for the appellant provided a written rebuttal critiquing the board of review's evidence or submission.

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, estimating the subject property had a market value of \$255,000 as of January 1, 2012. In estimating the market value of the subject property the appraiser developed the income approach to value and the sales comparison approach to value. The subject's assessment reflects a market value above the best evidence of market value in the record. The Board gave less weight to board of review's comparable #1 due to its newer age when compared to the subject property. The Board gave less weight to the board of review's comparable #3 due to its difference in dwelling design when compared to the subject property. The Board also gave less weight to the remaining comparable submitted by the board of review due to the fact that one unadjusted comparable does not overcome the appellant's comparables that were adjusted by the appellant's appraiser. Furthermore, in rebuttal the appellant provided copies of the listing sheets associated with each of the sales used by the board of review, which described each property as having updates and renovations at the time of sale. It appears that each of the comparables used by the board of review may have been in superior condition as compared to the subject property. Based on this evidence the Board finds a reduction in the subject's assessment is justified.

² The board of review's assessment grid analysis and photographs of comparable #1 and #4 appears to depict the same comparable.

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.