



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

APPELLANT: Vinnie Constante
DOCKET NO.: 13-36244.001-R-1
PARCEL NO.: 24-12-100-078-0000

The parties of record before the Property Tax Appeal Board are Vinnie Constante, the appellant, by attorney Michael 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 **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: \$3,107
IMPR.: \$26,555
TOTAL: \$29,662

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a 2012 Final Administrative Decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) in order to challenge 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 is improved with a two-story multi-family masonry dwelling containing four apartment units and a basement used for storage. The building is 55 years old and contains approximately 3,600 square feet of living area. The site is approximately 6,900 square feet in size and is located in Evergreen Park, Worth Township, Cook County. The subject is classified as a class 2-11 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. In support of this overvaluation argument the appellant submitted an Appraisal Report estimating the subject property had a market value of \$230,000 or approximately \$63.89 per square foot of building area or \$57,500 per unit as of August 05, 2011. The appraiser analyzed five sales from 2010 and 2011 located from .35 of a mile to 3.45 miles from the subject. The comparables ranged in size from 3,555 to 4,175 square feet of living area and contained from 3 to 6 apartment units. They sold for prices ranging from \$219,000 to

\$380,000 or from \$61.60 to \$98.50 per square foot of living area including land or from \$50,000 to \$126,667 per unit. The appraiser adjusted the sale prices based on various factors.

The appellant submitted a copy of the 2012 Property Tax Appeal Board Final Administrative Decision (Docket #12-34802.001-R-1) in which the total assessment was lowered to \$24,150 reflecting a market value of \$241,500 at the 10% level of assessments for class 2 properties or approximately \$67.08 per square foot of living area including land or \$60,375 per unit. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$23,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$29,662. The subject's assessment reflects a market value of \$296,620 or approximately \$82.39 per square foot of living area or \$74,155 per unit. With respect to the appellant's evidence, the board of review states that the appellant does not qualify for the "rollover" statute in that there is no homeowner exemption applied to the property.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales. They are described as 2-story masonry multi-family (class 2-11) dwellings that range in size from 2,712 to 4,141 square feet of living area having two or four units each.¹ The comparables range in age from 35 to 53 years old. One comparable has a slab foundation. They sold from February 2010 through November 2013 for prices ranging from \$240,000 to \$362,500 or from \$86.70 to \$89.02 per square foot of living area including land, or from \$68,750 to \$124,000 per unit.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant argued that the board of review's comparables should receive little or no weight based on location, age, square footage, sale date and/or lack of evidence indicating sales were arm's-length transactions.

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 submitted an appraisal estimating the property had a market value of \$230,000 or approximately \$63.89 per square foot of building area or \$57,500 per unit as of August 05, 2011, seventeen months prior to the subject's assessment date of January 1, 2013. The Board gave little weight to the final opinion of market value in the appraisal report based on location of comparables #2 and #3 in excess of two miles from the subject and the dissimilar number of

¹ Although the board of review did not report the number of apartment units in each building, the Board concludes two of the comparable sales were 2-unit buildings based on the number of bathrooms.

units in comparables #3, #4 and #5. These factors undermine the credibility of the appraisal report. The Board will instead analyze the raw sales submitted by both parties.

Although neither party submitted comparables that were particularly similar to the subject and sold proximate in time to the subject's assessment date of January 1, 2013, the Board nevertheless finds appraisal comparable #1 and board of review comparables #1 and #2 most similar to the subject in location, number of units, age and exterior construction. These comparables sold for prices ranging from \$61.60 to \$87.54 per square foot of living area including land, or from \$54,750 to \$90,625 per unit. The subject's assessment reflects a market value of approximately \$82.39 per square foot of living area, or \$74,155 per unit, which is within the range established by the most similar comparables.

Based on this evidence, the Board finds a reduction in the subject's assessment based on overvaluation is not warranted.

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: February 13, 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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