



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

APPELLANT: Simon Herrera
DOCKET NO.: 15-37994.001-R-1
PARCEL NO.: 13-21-224-034-0000

The parties of record before the Property Tax Appeal Board are Simon Herrera, 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: \$4,158
IMPR.: \$35,342
TOTAL: \$39,500

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 2015 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 dwelling of masonry exterior construction with 2,619 square feet of living area. The dwelling is approximately nine years old. Features of the home include a full unfinished basement, central air conditioning and a two-car garage. The property has a 3,780-square foot site and is located in Chicago, Jefferson Township, Cook County. The subject is classified as a class 2-78 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 has a market value of \$325,000 as of March 25, 2013. The appraisal was prepared in relation to a purchase transaction by Steve Slojkowski, a certified residential real estate appraiser.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value using six comparables. The comparables consist of two, bungalows and four, 2-story dwellings that range in age from 7 to 102 years old. The dwellings are located within .87 of a mile from the subject property and have features with varying degrees of similarity when compared to the subject. The dwellings range in size from 1,855 to 2,640 square feet of living area and are situated on sites ranging in size from 3,075 to 4,612 square feet of land area. Five of the comparables sold from October 2012 to March 2013 for prices ranging from \$300,000 to \$412,000 or from \$153.14 to \$164.32 per square foot of living area, including land. Comparable #6 was listed for \$369,900 or \$175.14 per square foot of living area including land. The appraiser made adjustments to each comparable for differences from the subject property to arrive at adjusted prices ranging from \$316,890 to \$366,980. The appraiser arrived at an estimated value under the sales comparison approach of \$325,000.

The appellant also disclosed the subject was purchased on April 30, 2013 for a price of \$320,000 and had been advertised for sale as set forth in Section IV-Recent Sale Data of the appeal petition. To document the sale, the appellant submitted a copy of the Settlement Statement. Based on this evidence, the appellant requested the total assessment be reduced to \$32,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$39,500. The subject's assessment reflects a market value of \$395,000 or \$150.82 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 the subject's assessment, the board of review submitted information on three comparables located within the same neighborhood code as the subject property. The comparables consist of two-story dwellings that range in age from 8 to 13 years old. The comparables had features with varying degrees of similarity when compared to the subject. The dwellings range in size from 2,106 to 2,542 square feet of living area and are situated on sites ranging in size from 3,791 to 4,617 square feet of land area. The comparables sold from August 2012 to January 2014 for prices ranging from \$330,000 to \$440,000 or from \$137.69 to \$197.13 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant argued the board of review presented no evidence challenging the arm's length nature of the subject's transaction. Counsel also argued the board of review's comparables should be given no weight because the evidence includes "unadjusted sales."

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 Board gave less weight to the appellant's appraisal not credible due to the lack of adjustments for sale dates, age and design, therefore, the Board will look solely to the raw sales data. The Board finds the best evidence of market value to be the appraisal sale #1 and the board of review's sale #3. These properties were similar to the subject in location, age, size, dwelling design and features. The comparables sold for prices of \$350,000 and \$385,000 or \$137.69 and \$153.14 per square foot of living area, including land. The subject's total assessment reflects a market value of \$395,000 or \$150.82 per square foot of living area, including land which falls above the best comparables established in this record on a total market value basis and between the comparables on a per square foot basis. Less weight was given to the appellant's sale of the subject property. The appellant failed to disclose if the parties to the transaction were related and the length of time the property was on the market, which are important elements when demonstrating the sale had the elements of an arm's length transaction. Less weight was also given to the board of review's sale #1 and #2 due to their smaller dwelling size when compared to the subject property. 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. 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

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: June 19, 2018



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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Simon Herrera, by attorney:
Stephanie Park
Park & Longstreet, P.C.
2775 Algonquin Road
Suite 270
Rolling Meadows, IL 60008

COUNTY

Cook County Board of Review
County Building, Room 601
118 North Clark Street
Chicago, IL 60602