



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

APPELLANT: Tony De Franco
DOCKET NO.: 17-26658.001-R-1
PARCEL NO.: 18-09-217-048-0000

The parties of record before the Property Tax Appeal Board are Tony De Franco, the appellant; 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: \$ 534
IMPR.: \$14,466
TOTAL: \$15,000

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 2017 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 50-year old, two-story, single-family dwelling of frame and masonry construction. Features of the townhome include: a full and one-half bath, a full basement, and central air conditioning. The property is located in Lyons Township, Cook County. The subject is classified as a class 2-95, townhome residential property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. Initially, in support of this argument, the appellant submitted data indicating that the property was purchased on August 12, 2015 for a price of \$155,000. The data reflected that: the parties were unrelated; the parties were represented by real estate brokers; the property had been advertised on the open market for sale for approximately three months via multiple listing service; and the seller's mortgage was not assumed. In support, the appellant submitted a copy of the subject's settlement statement.

Secondly, the appellant submitted an appraisal estimating the subject property had a market value of \$150,000 as of January 1, 2017. The appraisal indicated that an interior and exterior inspection was conducted by the appraiser on June 9, 2017. Based upon this inspection, the appraisal indicated a land size of 768 square feet and an improvement size of 1,029 square feet of living area. The appraisal developed the sales comparison approach to value using three sales. The sales were located either within one block or within a three-mile radius of the subject. They were improved with a two-story, single-family townhome of masonry or frame and masonry construction. They ranged in age from 50 to 55 years and in size from 1,029 to 1,232 square feet of living area. The properties sold from May, 2014, to December, 2016, for prices that ranged from \$125.81 to \$150.63 per square foot of living area.

At hearing, the appellant read from a prepared statement. He then testified that the subject is one of 50 units within the subject's townhome association. He stated that almost every unit is identical with the exception of some interior elements or finishes. He also stated that he owns the subject townhome, but does not live in it. He indicated that his son resides in the subject. He requested that the Board reduce his assessment to \$15,000, upon application of a 10% level of assessment to the appraisal's market value.

Further at hearing, the appellant called his appraiser, Robert Wessel, as a witness. Mr. Wessel testified that he holds the designation of General Real Estate appraiser since 1993 as well as a real estate broker's license. He testified that he completed the appraisal assignment for the subject property detailing the various steps taken on this assignment. He opined that the subject's market value was \$150,000. He stated that he had completed hundreds of appraisals of properties similar to the subject since 1993, while in the 2017 tax year at issue he completed approximately 8 or 10 appraisals of properties similar to the subject. Wessel stated he did not develop the income approach to value because the subject was owner occupied. However, upon further examination, he indicated that he believed the property to be occupied by Mr. De Franco at the time of inspection. Wessel also stated that he used the multiple listing service and public records to obtain properties for his sales comparison approach, while indicating that sales #1 and #2 are located within the subject's development.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$18,305. The subject's assessment reflects a market value of \$183,050 or \$197.25 per square foot using 928 square feet 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 descriptive, assessment and sales information on four comparable sales. They were improved with a one-story or two-story, single-family townhome of frame or frame and masonry construction. They ranged in age from 19 to 51 years and in size from 928 to 1,278 square feet of living area. The properties sold from May, 2016, to February, 2017, for prices that ranged from \$196.88 to \$267.21 per square foot of living area. Sale #1 was located on the same block as is the subject as well as in La Grange, while the remaining three sales were located in Indian Head Park.

At hearing, the board of review's representative rested on the written evidence submissions.

In written rebuttal, the appellant submitted a multi-page document outlining the lack of comparability between the board of review's sales and the subject property. At hearing, the appellant also indicated that the board's sale #1 is next to the subject and that this sale has had a great deal of rehabilitation done to it. In addition, he stated that the subject's association had appealed their property taxes, all of which received reductions with the exception of the subject and the board's sale #1. He stated that he knew that approximately \$70,000 was spent to rehab that property including a totally gutted kitchen and new wood flooring throughout. He also pointed to a home owners association letter included in his written rebuttal that indicates that the other units within the subject's subdivision are accorded a market value of \$150,000 with the exception of the subject and the property next door which is also the board's sale #1.

Moreover, the appellant stated that the board's sales #2 through #4 have lot sizes significantly larger than the subject. Further, he indicated that the board's sales #2 and #3 are located in an upscale subdivision of Indian Head Park with amenities such as an outdoor pool, tennis courts, party room, and playground, while none of these amenities are available in the subject's subdivision.

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 as well as the supporting testimony of the appraiser*. The Board finds that the subject property is not owner occupied and that the subject had a market value of \$150,000 as of the assessment date at issue. Since market value has been established the level of assessment for class 2, residential property under the Cook County Real Property Assessment Classification Ordinance of 10% shall apply. (86 Ill.Admin.Code §1910.50(c)(2). Based on this evidence, the Board finds a reduction in the subject's assessment *is* 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



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: November 19, 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

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