



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

APPELLANT: Frankie Bradley
DOCKET NO.: 18-24620.001-R-1
PARCEL NO.: 18-13-306-029-0000

The parties of record before the Property Tax Appeal Board are Frankie Bradley, the appellant; 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: \$2,156
IMPR.: \$6,844
TOTAL: \$9,000

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 2018 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 an approximately 107-year-old, two-story, frame, multi-family dwelling with 1,950 square feet of living area. Features of the home include: a full, unfinished basement and two apartments therein. The property has an approximately 3,780 square foot site and is located in Lyons Township, Cook County. The subject is classified as a class 2-11, residential 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 had a market value of \$90,000 as of January 1, 2018. The appraisal developed one of the three traditional approaches to value: the sales comparison approach. The appraisal indicated that the subject is a tenant occupied, two flat with functional utility that was acceptable. The appraisal stated that the cost approach was

not considered to be a reliable indicator of value as the replacement cost, land values and depreciation estimates are considered subjective and unreliable. In addition, the appraisal indicated that the income approach was not completed because homes in the subject's price range and neighborhood are typically purchased for use and not income.

Under the sales comparison approach, the appraisal reflected usage of four sale properties located within a one-mile radius of the subject, all of which were located in Summit as is the subject property. The properties sold from December, 2015, to March, 2017, for prices that ranged from \$25.76 to \$61.50 per square foot of living area. The improvements were all two-story, two flat dwellings. They ranged in age from 18 to 104 years and in size from 1,496 to 3,688 square feet. After adjustments, the appraisal estimated a market value of \$90,000 under this approach.

At hearing, the appellant called as his first witness, William Neberieza, the appellant's appraiser. Neberieza testified that he holds the designations of Certified General Real Estate Appraiser and Senior Residential Appraiser. He testified about the subject property's improvements and amenities, while also indicating that he was permitted onto the premises by the first-floor tenant. He indicated that after his personal inspection that he had chosen four sale comparables used in his appraisal as well as elaborating on adjustments that he made to these sales.

The board of review's representative objected to the appellant's request to call a previously undisclosed co-owner of the subject; and thereafter, the appellant withdrew his request. In addition, the board's representative asserted that the appraisal did not address the income approach to value as the subject is tenant-occupied, while asserting that this approach would have been helpful in developing a market value estimate. In response under cross-examination, Neberieza testified that his experience in working in Cook County that for buildings with six units and under, market value is based on dollar amount per square foot basis. With such a small subject property, "the rents do not reflect the market value, but the price will dictate the value".

Thereafter, the appellant testified that he does not live in the subject property and that it is a tenant-occupied dwelling.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$15,872. The subject's assessment reflects a market value of \$158,720 or \$81.39 per square foot of living area, including land, when applying the level of assessment for class 2, residential 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 unadjusted, raw data on four sale comparables, which were located somewhere in Summit without detailing the proximity to the subject. They were improved with a one-story or two-story, multi-family dwelling without disclosing the number of units in each property. The improvements ranged in age from 56 to 63 years and in size from 2,201 to 2,435 square feet of living area. The properties sold from May, 2015, to August, 2017, for prices that ranged from \$78.79 to \$99.05 per square foot of living area.

At hearing, the board's representative referred to the data on the board of review's sales, while stating that he believed them to be valid comparables: in close proximity to the subject property as well as similar in size and age. He also stated that the county believes the subject's value is fair and correct.

In rebuttal, the appellant stated that the board's comparables were all younger, masonry buildings that had been renovated, unlike the subject.

In written rebuttal, the appellant submitted another copy of the subject's appraisal as well as cover letter distinguishing the varying characteristics between the board's properties from the subject property; thereby, asserting a lack of comparability.

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 undisputed *appraisal submitted by the appellant*. The Board finds in contrast the board of review only submitted raw, unadjusted sales data on properties with varying characteristics lacking similarity to the subject property. Therefore, the Board further finds the tenant-occupied, subject property had a market value of \$90,000 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)).

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



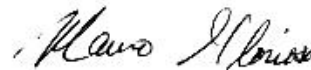
Member

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 18, 2020



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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