



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

APPELLANT: Wendell Lu
DOCKET NO.: 21-31037.001-R-1
PARCEL NO.: 20-12-113-042-0000

The parties of record before the Property Tax Appeal Board are Wendell Lu, 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 **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: \$7,525
IMPR.: \$17,203
TOTAL: \$24,728

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 2021 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, single-family dwelling of masonry construction with 1,120 square feet of living area located in Chicago, Hyde Park Township, Cook County. The building is 68 years old. Features of the dwelling include a full, unfinished basement and central air conditioning. The subject is located on a 1,505 square foot site. It is classified as a class 2-10 property under the Cook County Real Property Assessment Classification Ordinance. The subject is not owner-occupied.

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 \$180,000 as of January 1, 2019. The appellant also presented evidence showing that the board of review had agreed to assessed valuations of \$18,000 for the 2018 through 2020 tax years.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$24,728. The subject's assessment reflects a market value of \$247,280, land included, when using the Cook County Real Estate Classification Ordinance level of assessment for class 2 property of 10%. The board of review also submitted an information grid about the subject and four suggested comparable properties that contained assessment data. The only sales data about these comparable properties indicated that two of them sold for \$1 apiece in 2019.

In rebuttal, the appellant presented argument that the Board should not give any weight to the board of review's evidence because it consisted of assessment data, and the suggested comparable properties were not adequately described. The appellant's rebuttal argument also asserted that MLS had no record of comparables two and three being sold in 2019, even though the board of review's evidence indicated that both had been sold for \$1 that year, and it presented other criticisms of the board of review's evidence.

This matter was scheduled for a hearing before a Board ALJ on August 9, 2023. The parties agreed to waive the hearing, however, and have the case decided on the basis of the documentary evidence they had submitted.

Analysis

The appellant contends that 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); Winnebago County Bd. of Review v. Property Tax Appeal Bd., 313 Ill. App. 3d 1038, 1043 (2d Dist. 2000). 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 appraisal submitted by the appellant employed the sales comparison approach, relying upon recent sales of six suggested comparable properties. The subject property is classified as a row house or townhome under the Cook County Real Property Assessment Classification Ordinance. The classification of the six suggested comparable properties mentioned in the appraisal is not clear, but the appraisal describes them as "units," which indicates they may be condominium units, and not townhomes like the subject. This important matter is not discussed or clarified in the appraisal.

Additionally, the appraisal values the property as of January 1, 2019, two years earlier than the relevant valuation date of January 1, 2021. 35 ILCS 200/9-155. The appraisal states that no adjustments needed to be made to the comparables for market conditions (time) because the comparables were all sold in either 2018 or 2019, which was within one year of the appraisal's valuation date. That statement indicates that adjustments for time would be necessary for all suggested sales comparables for the relevant valuation date of January 1, 2021, because all were sold more than one year prior to that date. The appellant provided no evidence to show what adjustments should have been made to account for the times of the comparable sales.

Another serious problem with the appraisal is that it does not rely upon or even mention the square footage of living area for any of the suggested comparables. Therefore, there are no sales prices per square foot of living area for the comparables that could be used to help derive an estimate of value for the subject property. Instead, after adjusting the sales prices of some comparables to account for differences between them and the subject, the appraiser calculated prices per room and prices per bedroom for each comparable, based on their sales prices. The average total sales prices, prices per room, and prices per bedroom were then used to estimate the subject's value.

Of course, the size of a dwelling and its' rooms is generally an important factor in determining its value, but the appraiser's methodology assumes otherwise, thereby seriously and substantially undermining the appraisal's conclusion as to value. Because of this serious flaw, and the other flaws mentioned above, the Board gives no weight to the appraisal submitted by the appellant.

The Board agrees with the appellant that the board of review's evidence is entitled to little, if any weight. The board of review also submitted an information grid about the subject and four suggested comparable properties that contained assessment data. The only sales data about these comparable properties indicated that two of them sold for \$1 apiece in 2019. The Board will not consider this sales data because the nominal consideration involved in these transactions does not reflect the market values of those suggested comparables or the subject. And the assessment data provided by the board of review is of little value in resolving whether the board of review reached the correct assessment for the subject.

Nevertheless, as stated above, it is the appellant's burden to prove overvaluation by a preponderance of the evidence. The appellant failed to meet that burden because of the deficiencies in the appraisal that he submitted as evidence. The Board therefore finds 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



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: October 17, 2023



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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