



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

APPELLANT: Joshua Abrego
DOCKET NO.: 22-22048.001-R-1
PARCEL NO.: 16-08-307-016-0000

The parties of record before the Property Tax Appeal Board are Joshua Abrego, the appellant(s); 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: \$8,170
IMPR.: \$39,117
TOTAL: \$47,287

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

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 2022 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 single-family, two-story dwelling of frame construction containing 2,280 square feet of living area. As of the instant lien date the subject was approximately 133 years old. The subject has a full unfinished basement and a two-car garage. The subject has an 8,600 square foot site and is in Oak Park, Oak Park Township, Cook County. The subject is classified as a class 2-06 property under the Cook County Real Property Assessment Classification Ordinance.

Appellant's appeal is based on overvaluation, and Appellant submitted an appraisal with an opinion of value of \$1,025,000 as of April 17, 2022. Appellant also submitted a document related to proposed renovations at the subject and undated photos showing the subject under construction.

The appraisal contains six sales comparables. The properties range from 105 to 141 years old. They are located between .32 miles and .98 miles from the subject. The comparables range from

2,482 to 3,522 square feet of building area. The comparables have sites that range from 7,050 to 14,264 square feet of land area. The comparables sold between November 2020 and September 2021 for prices between \$982,500 and \$1,215,000 or \$312.32 and \$402.90 per square foot of living area, including land.

In addition, Appellant contends overvaluation based on the sale of the subject. Appellant's petition discloses the subject was purchased on October 21, 2021 for \$345,000. The petition disclosed the sales was not a transfer between related parties, was listed on the open market for 10 years and sold by owner and was not sold due to a foreclosure or contract for deed. Appellant submitted a letter asserting that the property was purchases with the intent of a "gut rehab" of the improvement. Appellant asserts the rehab commenced in July 2022 and that the improvement was deemed uninhabitable at the time of purchase due to no plumbing, heating, electrical, and severe structural issues. Appellant stated the property was appraised at \$295,000 at the time of purchase. Appellant did not provide documentary proof of the subject's purchase nor the appraisal for \$295,000.

The Cook County Board of Review (BOR) submitted its "Board of Review Notes on Appeal." The subject's assessment is \$47,287 which reflects a market value of \$472,870 using the Cook County Real Estate Classification Ordinance level of assessment for class 2 property of 10%. The subject's assessment reflects a market value of \$207.40 per square foot of living area, including land.

The BOR submitted four sales comparables in support of its final assessment with sales information on three. The properties are described as two-story dwellings. All BOR comparables share the same neighborhood code as the subject, all located within a quarter mile of the subject. Three are frame construction, and one is stucco. As of the lien date the BOR comparables range from 97 to 114 years old. The comparables range from 2,281 to 2,433 square feet of building area. The comparables have sites that range from 6,536 to 8,600 square feet of land area. The three comparables sold between August 1, 2019 and February 3, 2022 for prices between \$585,000 and \$690,000 or \$243.14 and \$287.26 per square foot of living area, including land.

In rebuttal, Appellant submitted a letter asserting that the comparables submitted by the BOR are all habitable and occupied properties. Appellant reiterated that the subject is not habitable. He argued that the assessment should be reduced to only reflect a value of \$295,000 for the land with no improvement assessment. Appellant submitted a Certificate of Temporary Occupancy in support of this argument.

At hearing, Appellant testified that the subject was purchased October 2021. At the time, per Appellant's testimony, the subject was uninhabitable: no running water or electricity. He further testified that the subject had been vacant for about 30 years. Appellant continued that construction on the property began in 2022. Appellant then testified that the subject did not receive a certificate of occupancy until March 2024.

Appellant did not present his appraiser as a witness at hearing. Therefore the BOR moved that adjustments and opinion of value be given no weight based on hearsay and that the only the appraisal's underlying sales comparables be considered.

The BOR representative, Shaina Hall, then argued that under 35 ILCS 200/9-180 a reduction in the value of a property is warranted only due to accidental means, i.e. not due to deliberate

renovations. The BOR also argued that no evidence other than testimony had been submitted at testing to the alleged uninhabitable condition of the subject as of the purchase date or lien date.

Conclusion of Law

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. *National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board*, 331 Ill. App. 3d 1038 (3d Dist. 2002); 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 Appellant did **not** meet this burden of proof and a reduction in the subject's assessment is **not** warranted.

Appellant's appraiser was not present at hearing to testify as to his qualifications, identify his work, testify about the contents of the evidence, the conclusions or be cross-examined by the BOR and this Board. In *Novicki v. Department of Finance*, 373 Ill.342, 26 N.E.2d 130 (1940), the Supreme Court of Illinois stated, "[t]he rule against hearsay evidence, that a witness may testify only as to facts within his personal knowledge and not as to what someone else told him, is founded on the necessity of an opportunity for cross-examination, and is basic and not a technical rule of evidence." *Novicki*, 373 Ill. at 344. In *Oak Lawn Trust & Savings Bank v. City of Palos Heights*, 115 Ill.App.3d 887, 450 N.E.2d 788, 71 Ill.Dec. 100 (1st Dist. 1983) the appellate court held that the admission of an appraisal into evidence prepared by an appraiser not present at the hearing was in error. The appellate court found the appraisal to be hearsay that did not come within any exception to the hearsay rule, thus inadmissible against the defendant, and the circuit court erred in admitting the appraisal into evidence. *Id.*

In *Jackson v. Board of Review of the Department of Labor*, 105 Ill.2d 501, 475 N.E.2d 879, 86 Ill.Dec. 500 (1985), the Supreme Court of Illinois held that the hearsay evidence rule applies to the administrative proceedings under the Unemployment Insurance Act. The court stated, however, hearsay evidence that is admitted without objection may be considered by the administrative body and by the courts on review. *Jackson* 105 Ill.2d at 509. In the instant case, the BOR has objected to the appraisal as hearsay. Therefore, the Board finds the appraisal hearsay and the adjustments and conclusions of value are given no weight. However, the Board will consider the raw sales data submitted by the parties.

Therefore, the Board turns to the parties' sales comparables in the record. The Board finds the six appraisal sales comparables and the three BOR comparables to be similar to the subject in location, size, style, exterior construction, features, age and land area. These properties also sold proximate in time to the assessment date at issue. The comparables sold for prices ranging from \$585,000 to \$1,215,000 or from \$243.14 to \$402.90 per square foot of living area, including land. The subject's assessment reflects a market value of \$207.40 per square foot of living area, including land, which is below the range established by the comparable sales in this record. This value below the comparables accounts for the reduced value based on the condition of the subject. The courts have found that a token assessment to the extent that the improvement adds value can be applied when the improvement is substantially completed. *Long Grove Manor v. Property Tax Appeal Bd.*, 301 Ill.App.3d 654, 704 N.E.2d 872 (2d Dist. 1998). The courts have rejected the argument that a

property that is not "under roof" cannot be taxed. *Id.* at 302. Based on this record the Board finds the appellant did **not** demonstrate by a preponderance of the evidence that the subject was over-valued, 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

Member

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: _____

July 15, 2025

Clerk of the Property Tax Appeal Board

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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