

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Natalie Gutierrez  
DOCKET NO.: 03-29634.001-R-1  
PARCEL NO.: 17-17-104-041-1100

The parties of record before the Property Tax Appeal Board are Natalie Gutierrez, the appellant, by attorney, David Dunkin of Arnstein & Lehr LLP, Chicago, and the Cook County Board of Review.

The subject property consists of a condominium unit within a condominium building located in West Chicago Township, Cook County.

The appellant, through counsel, submitted evidence that the subject's fair market value is not accurately reflected in its assessment. In support of this argument, the appellant's petition indicated that the subject was purchased in April 2001 for a price of \$200,150; the sale was not a transfer between family or related corporations; and the seller's mortgage was not assumed. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$21,913 was disclosed. Of this amount \$21,418 is allocated to the improvement and \$495 is allocated to the land. The board also presented the methodology used to estimate the subject's fair market value. The board of review's evidence revealed that from 2000 through 2003 approximately 46 units within the subject's complex sold. Total consideration for these sales was \$13,115,125 of that amount \$138,000 was deducted for personal property. Thus, the total sales amount was \$12,997,125, adjusted, for the 46 units in the complex. The board estimated the total market value of the condominium complex using the adjusted sales price and the total of the percentage of interest

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Based on the facts and exhibits presented, 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:	\$	495
IMPR.:	\$	21,418
TOTAL:	\$	21,913

Subject only to the State multiplier as applicable.

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of the units which sold, or 21.69%, to conclude a total value for the subject complex of \$59,829,990. The subject's percentage of interest of 00.48% was then applied to the estimated total building value to determine fair market value of \$287,184 for the subject. Based on this evidence, the board of review requested confirmation of the subject property's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds it has jurisdiction over the parties and the subject matter of this appeal. The issue before the Property Tax Appeal Board is the subject's fair market value. When overvaluation is the basis of the appeal the value of the property must be proved by a by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038(3<sup>rd</sup> Dist. 2002). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. Section 1910.65 *The Official Rules of the Property Tax Appeal Board* (86 Ill.Adm.Code §1910.65(c)). Having reviewed the record and considered the evidence, the Board concludes that the appellant has not satisfied this burden.

The evidence in this record disclosed that the practice in Cook County when assessing condominiums is to utilize the percentage of ownership, as contained in the condominium declaration, as the factor to pro-rate assessments to individual unit owners. The evidence demonstrated that the board of review used actual sales of condominium units within the complex to estimate the overall value of the condominium. The overall market value of the condominium is then apportioned to the individual units using each unit's percentage of ownership.

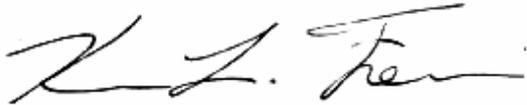
In the instant appeal, the Property Tax Appeal Board was provided with sale information for the subject. In addition, the board of review provided the market data used to determine the subject's market value. The Board finds that it is clear from the record and application of the board of review's methodology, utilizing the sales of 46 condominium units in the subject's complex, the subject's fair market value was determined based on relevant market data. On the other hand, the Board finds that the appellant's evidence only reflects the sale of the subject 20 months prior to the date at issue. Thus, the Board finds that the subject's sale is not proximate to the date at issue. In conclusion, the board finds the market data provided by the board of review supports the subject's assessment.

As a result of this analysis, the Property Tax Appeal Board finds the appellant failed to adequately demonstrate that the subject dwelling was overvalued by a preponderance of the evidence and no reduction is warranted.

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.



Chairman



Member



Member



Member



Member

DISSENTING: \_\_\_\_\_

C E R T I F I C A T I O N

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: December 7, 2007



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 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 the subsequent year 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.

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.