

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Gabino Castelan  
DOCKET NO.: 04-22815.001-R-1  
PARCEL NO.: 14-17-107-003-0000

The parties of record before the Property Tax Appeal Board are Gabino Castelan, the appellant, by attorney Michael E. Crane of Crane and Norcross, Chicago, and the Cook County Board of Review.

The subject property consists of a 103-year-old, two-story, mixed use building of masonry construction containing 3,330 square feet of building area with one and one-half bathrooms and a partial-unfinished basement. The subject contains one commercial unit and one residential unit and is situated on a 3,000 square foot parcel located in Lake View Township, Cook County.

The appellant, through counsel, raised two arguments: first, that there was unequal treatment in the assessment process of the improvement; and second, that the fair market value of the subject is not accurately reflected in its assessed value as the bases for this appeal. In support of the equity argument, the appellant submitted assessment data and descriptive information on four properties suggested as comparable to the subject. Based on the appellant's documents, the four suggested comparables consist of two-story, mixed use buildings of masonry construction located within the subject's neighborhood. The improvements range in size from 2,703 to 5,900 square feet of building area and range in age from 73 to 103 years. The comparables contain from two to five and one-half bathrooms and a partial-unfinished basement. The improvement assessments range from \$7.69 to \$8.74 per square foot of living area.

As to the market value argument, the appellant's petition disclosed that the subject was purchased in December 2002 for a price of \$300,000 and the appellant provided a copy of the subject's settlement statement. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

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Based on the facts and exhibits presented, 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: \$ 4,665  
IMPR.: \$ 25,305  
TOTAL: \$ 29,970

Subject only to the State multiplier as applicable.

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The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$44,665 was disclosed. The assessment reflects a total market value of \$447,097 for the subject, when the 2004 Illinois Department of Revenue's three-year median level of assessments of 9.99% for Class 2 property, such as the subject, is applied. The board submitted evidence in support of its assessed valuation of the subject property. As evidence the board offered six sales of mixed use buildings ranging in size from 2,900 to 4,350 square feet of building area and ranging in age from four to 118 years. The sales occurred between January 2002 and September 2004 for prices ranging from \$340,000 to \$790,000 or from \$114.23 to \$219.44 per square foot of land and building. No analysis and adjustment of the sales data was provided by the board.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

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 (3<sup>rd</sup> Dist, 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2<sup>nd</sup> Dist. 2000). Proof of market value may consist of an appraisal, a recent arms-length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. (86 Ill.Adm.Code §1910.65(c)) Having reviewed the record and considering the evidence, the Board finds the appellant has satisfied this burden.

The appellant's evidence disclosed that the subject was purchased in December 2002 for a price of \$300,000 and the appellant provided a copy of the subject's settlement statement. The Board finds the subject's December 2002 sale for \$300,000 to be the best evidence of market value contained in the record. The Board further finds the board of review failed to present any evidence to refute the arm's length nature of the sale.

Therefore, the Property Tax Appeal Board finds that the subject had a market value of \$300,000 as of January 1, 2004. The Board further finds that the 2004 Illinois Department of Revenue's three-year median level of assessments of 9.99% for Class 2 property shall apply and a reduction is warranted.

As a final point, the Board finds no further reduction based on the appellant's inequity argument 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.

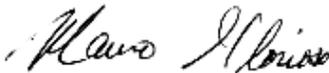
\_\_\_\_\_  
Chairman



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: April 24, 2009



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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.