



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

APPELLANT: Ed Neri
DOCKET NO.: 05-23175.001-R-1
PARCEL NO.: 16-13-402-006-0000

The parties of record before the Property Tax Appeal Board are Ed Neri, the appellant; of Schiller Klein PC in Chicago; and the Cook County Board of Review.

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: \$ 1,121
IMPR: \$ 53,865
TOTAL: \$ 54,986

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of two parcels of land comprising a total of 4,157 square feet of land. Each parcel is improved with a distinct structure of a one-year old, two-story, masonry, multi-family dwelling. Each improvement contains 4,851 square feet of living area as well as a full basement and three apartments, therein.

As to the merits of this appeal, the appellant's attorney argued that the fair market value of the subject is not accurately reflected in its assessed value due to vacancy as the basis for this appeal.

The appellant's pleadings included a one-page brief with an attached affidavit. The brief asserted that the subject's three apartment units were occupied beginning from May 21, 2005 to July 25, 2005; and therefore, the units were previously vacant in tax year 2005. Thereby, appellant's attorney requested that an occupancy factor of 54% be applied to the subject's assessment to reflect this vacancy. In support, he submitted a copy of an affidavit. The affiant stated that he is the developer of the subject's three-unit, apartment building and that the units were occupied during the aforementioned time period. In addition, the

appellant's petition made reference to the subject's sale on June 18, 2004 for a price of \$250,000. Based on this evidence, the appellant requested a reduction in the subject's assessment.

At hearing, the appellant's attorney indicated that he did not have copies of a demolition permit, building permit or occupancy permit relating to the subject. In addition, he had no documentation relating to the subject's sale in 2004. Moreover, appellant's attorney stated that there were two separate buildings constructed on the subject, with one building on each of the two land parcels. He also indicated that each building contains 4,851 square feet of living area. He also reiterated that there is no appeal of the second structure located on parcel -007 and withdrew that parcel at hearing. Further, he stated that initially there were three land parcels with three buildings constructed thereon.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment was disclosed as \$109,989. Parcel -006 reflects a total assessment of \$54,986 and parcel -007 reflects a total assessment of \$55,003. The board of review submitted copies of property characteristic printouts for the subject and a total of four suggested comparables reflected on two distinct grid sheets.

Each of the suggested comparables were improved with a four-year old, two-story, masonry, multi-family dwelling. They ranged in size from 3,996 to 4,035 square feet of living area and in improvement assessments from \$11.11 to \$11.52 per square foot of living area. Each property contains a full basement and a total of three apartments in each building. The subject's improvement assessment is \$11.10 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant's attorney submitted correspondence asserting that the subject's improvement was new construction which was not completed until May 27, 2005. In addition, he argued that 'applicable statutes' required that the building be pro-rated. After the hearing, the appellant's attorney was accorded leave to submit the legal authority regarding new construction that was referred to in the attorney's correspondence. However, no such statutory submission was received by the Board.

After hearing the testimony and/or arguments as well as considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. *86 Ill.Admin.Code 1910.63(e)*. 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. 86
Ill.Admin.Code 1910.65(c). Having considered the evidence
presented, the Board finds that the appellant has not met the
burden of demonstrating that the subject is overvalued and that a
reduction is not warranted.

The Board finds that appellant's argument that the subject should
be accorded a vacancy proration unpersuasive. The appellant
failed to submit any market data in support of the assertion that
a vacancy resulted in a diminished market value. In addition,
the appellant failed to provide any support documentation for the
assertion of the vacancy/occupation argument, such as a
demolition permit, a building permit, and an occupancy permit.
Further, the appellant failed to provide any clarity in either
documentation or testimony regarding the subject's sale in 2004
elaborating on the number of land parcels and/or improvements
involved in the transaction and whether or not it was an arm's
length transaction.

Moreover, the Board finds that the equity comparables submitted
by the board of review support the assessment attributed to the
subject property.

On the basis of this analysis, the Board finds that the appellant
has failed to support the argument of overvaluation and vacancy
and that the subject property does not warrant a reduction.

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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario M. Louie

Member

Shawn R. Lerbis

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: August 19, 2011

Allen Castrovillari

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.