



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

APPELLANT: Indalecio Olvera
DOCKET NO.: 06-25114.001-R-1
PARCEL NO.: 19-12-308-007-0000

The parties of record before the Property Tax Appeal Board are Indalecio Olvera, the appellant, by attorney Howard W. Melton, of Howard W. Melton and Associates in Chicago; and the Cook County Board of Review.

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: \$3,749
IMPR.: \$13,961
TOTAL: \$17,710

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a class 2-12 mixed use building. It is a 2-story structure of masonry construction containing 2,250 square feet of building area. The building is 80 years old and features a partial unfinished basement and a 2-car garage.

The appellant's appeal is based on overvaluation and unequal treatment in the assessment process. The appellant submitted information on four comparable properties described as class 2-12 mixed use masonry buildings that range in age from 82 to 91 years old with one building's age not reported. The comparable buildings range in size from 1,785 to 2,650 square feet of building area. All comparables feature full or partial unfinished basements. One has a 2-car garage. The comparables have improvement assessments ranging from \$7.48 to \$8.52 per square foot of building area. The subject's improvement assessment is \$10.04 per square foot of building area. The appellant disclosed that the subject was purchased in October 2004 for \$175,000. 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 was disclosed. The

subject's assessment of \$26,347 reflects a market value of \$260,346 when applying the 2006 three year median level of assessments for Cook County Real Property Classification Ordinance class 2 property of 10.12% as determined by the Illinois Department of Revenue. The board of review presented descriptions and assessment information on three comparable properties consisting of 2-story class 2-12 mixed use masonry buildings either 79 or 85 years old. The buildings contain either 2,100 or 2,145 square feet of building area. All comparables feature partial, unfinished basements. Two have 1½-car garages. These properties have improvement assessments of either \$10.21 or \$10.39 per square foot of building area. The board of review also disclosed that the subject parcel was purchased in October 2004 for \$175,000. The board of review also presented a list of 20 class 2-12 sales from 1990 through 2005 for prices ranging from \$43,605 to \$515,000. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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. The Board further finds a reduction in the subject's assessment is warranted.

The appellant argued the subject property is overvalued based on its October 2004 sale price. When market value is the basis of the appeal, the value must be proven by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 183, 728 N.E.2d 1256 (2nd Dist. 2000). The Board finds the appellant has overcome this burden.

The Illinois Supreme Court has defined fair cash value as what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d. 428, (1970). A contemporaneous sale of property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be practically conclusive on the issue of whether an assessment is reflective of market value. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369 (1st Dist. 1983), People ex rel. Munson v. Morningside Heights, Inc, 45 Ill.2d 338 (1970), People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967); and People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945).

The Property Tax Appeal Board finds this record shows the appellant purchased the subject property for \$175,000 in October 2004, 14 months prior to the subject's January 1, 2006 assessment date. The appellant claims the transaction was an arm's-length transaction, which was not refuted by the board of review. Based on this analysis, the Board finds the sales price of \$175,000 is the best evidence of market value as of January 1, 2006. Therefore a reduction in the subject's assessment based on overvaluation is warranted.

The Board gave little weight to the list of 20 suggested comparables sales contained in the board of review's submission of evidence, citing lack of detailed description for comparison to the subject sale dates, proximate location, etc.

The appellant also argued unequal treatment in the subject's improvement assessment as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the Board finds no further reduction is warranted based on uniformity.

Comparables #1, #3 and #4 submitted by the appellant differed significantly from the subject in size, and comparable #3's age is unknown. Therefore, these three comparables received less weight in the Board's analysis. The Board finds comparable #2 submitted by the appellant and all three comparables submitted by the board of review were most similar to the subject in size, style, exterior construction, features and age. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables had improvement assessments ranging from \$7.74 and \$10.39 per square foot of living area. The subject's revised improvement assessment of \$6.20 per square foot of living area after reduction for overvaluation is within the range established by these most similar comparables. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds no further reduction is warranted based on uniformity.

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 Morris

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: May 20, 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.