

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Erik Lundberg  
DOCKET NO.: 06-25716.001-R-1  
PARCEL NO.: 05-27-409-011

The parties of record before the Property Tax Appeal Board (PTAB) are Erik Lundberg, the appellant, by attorney Allen Lefkovitz in Chicago and the Cook County Board of Review.

The subject property consists of an 8,800 square foot parcel of land improved with a one-year old, two-story, frame and masonry, single-family dwelling containing 3,378 square feet of living area, four and one-half baths, air conditioning, a fireplace and a full, finished basement. The appellant argued the fair market value of the subject property is not accurately reflected in the assessed value.

In support of this argument, the appellant, via counsel, submitted a brief stating the subject property was purchased in 2005 and the improvement was demolished in December 2005. The new improvement on the subject property was completed and a certificate of occupancy was issued on October 5, 2006. The subject property was actively marketed for the remainder of 2006. The appellant argues that a vacancy factor should be applied to the subject property or the subject should be assessed as vacant land. In addition, the appellant presented a 15 page real estate advertisement for the sale of the subject; a copy of an affidavit from the appellant stating when the occupancy permit was issued and that the subject is currently for sale; a copy of a letter from the Cook County Assessor's Office indicating the 2007 assessment is reduced for vacancy; an appeal brief for the 2007 assessment year; a copy of the occupancy permit dated October 5, 2006; and assessment and sale information on four properties suggested as comparable to the subject. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

In addition, the appellant submitted information on a total of four properties suggested as comparable and located within the subject's neighborhood. The properties are described as two-story, masonry, frame or masonry and frame, single-family dwellings with three and one-half or four and one-half baths, air

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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: \$ 24,992  
IMPR.: \$ 36,653  
TOTAL: \$ 61,645

Subject only to the State multiplier as applicable.

conditioning, two fireplaces, and a finished basement. The properties range in age from two to four years and in size from 2,902 to 5,262 square feet of living area. The information provided by the appellant includes sale information, the full assessments for the 2007 reassessment year, and the partial assessments for 2006 along with the partial assessment factor. The properties sold from September 2006 to April 2007 for prices ranging from \$1,490,000 to \$1,850,000 or from \$329.48 to \$546.18 per square foot of living area, including land. The assessment information for the lien year in question, 2006, as submitted by the appellant includes the improvement assessment after the partial assessment factor was applied. Calculating out a full improvement assessment yields improvement assessments ranging from \$23.33 to \$30.04 per square foot of living area. 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 total assessment of \$61,645 was disclosed. Removing the vacancy factor applied to the subject's improvement yields a final assessment of \$160,242. This reflects a fair market value of \$1,583,419, when the Cook County Real Property Assessment Classification Ordinance level of assessments of 16% for Class 2 properties is applied. Calculating out a full assessment yields an improvement assessment for the subject property of \$135,250, or \$40.04 per square foot of living area. In support of the subject's assessment, the board of review presented a brief statement agreeing that the property was purchased in 2005 and issued a demolition permit on December 31, 2005. The statement continues that a certificate of occupancy was issued on October 2, 2006 and that the assessor granted a 27.1% vacancy factor on the 2006 assessment to reflect the occupancy certificate date.

In addition, the board of review presented property characteristic printouts for four properties suggested as comparable to the subject and located within the subject's neighborhood. The properties consist of two-story, frame or masonry, single-family dwellings with two and two-half or three and one-half baths, air conditioning, one, two or three fireplaces, and a full basement with two finished. The properties range: in age from four to seven years; in size from 3,467 to 3,670 square feet of living area; and in improvement assessments from \$40.04 to \$43.91 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a letter arguing that a vacancy factor should be granted to the subject's assessment because the property was vacant from the date of the certificate of occupancy until the end of the year. In addition, the appellant submitted a copy of the Cook County Assessor's Office letter reducing the subject's 2007 assessment for vacancy.

At hearing, the appellant's attorney argued that the construction of the new improvement began in June 2005 and was completed in October 2006. He argued the property was vacant from the date of occupancy until the sale in August 2007 and therefore, an occupancy factor should be applied to the subject's assessment from the date of the issuance of the occupancy permit in 2006 until the end of the assessment year. The attorney cited the Property Tax Code, 35 ILCS 200/9-160 to argue that the assessment of the property begins when the occupancy permit is issued. He then argued the vacancy of the improvement.

The appellant's Attorney also argued that the property was reassessed in 2007 and that a vacancy factor was applied for that year.

The board of review's representative, Lena Henderson, testified that the county does not apply both a factor for the construction of the property and a factor for occupancy after the building is constructed. She testified that the board of review will only apply one of the factors and in this case they applied a factor for the issuance of the certificate of occupancy on October 5, 2006. She testified that when there is new construction for an improvement, the board of review will request the certificate of occupancy to determine the factor to be applied to the assessment and will not apply a vacancy factor for new construction.

After reviewing the record and considering the testimony, 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 not warranted.

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331Ill.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 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 PTAB concludes that the evidence indicates a reduction is not warranted.

The PTAB finds the appellant's argument that an additional factor for the vacancy of the improvement to be unpersuasive. Both parties agree and the evidence shows the subject received a 27.1% occupancy factor for the certificate of occupancy issued on October 5, 2006. The board of review testified that for new construction, the pro-rata assessment factor is based on the date of the issuance of the occupancy permit. This complies with the Property Tax Code on the pro-rata valuation of new improvements. 35 ILCS 200/9-160. In addition, the board of review testified that the county does not apply dual pro-rata valuation factors to an improvement, which is what the appellant is seeking. The

appellant has failed to present any evidence showing that the board applies both an occupancy factor based on the issuance of the occupancy permit and a vacancy factor for the time period after the certificate of occupancy has been issued. The PTAB gives little weight to the 2007 assessment as that was a reassessment year and dual factors were not being sought that year. Therefore, the PTAB finds a reduction based on the vacancy of the subject's improvement not warranted.

The parties submitted a total of eight properties suggested as comparable to the subject. The PTAB finds the appellant's comparables #2 and #4 and the board of review's comparables #2, #3 and #4 are most similar to the subject in design, size, construction, location and age. These properties are masonry or frame and masonry, two-story, single-family dwellings within the subject's neighborhood. The properties range: in age from two to seven years; in size from 2,902 to 3,670; and in improvement assessments from \$29.59 to \$43.91 per square foot of living area. In comparison, the subject's improvement assessment of \$40.04 per square foot of living area is within the range of these comparables. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's per square foot improvement assessment is supported and a reduction in the subject's assessment is not warranted.

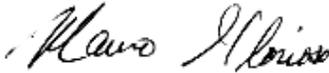
This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member

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 24, 2009



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.