



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

APPELLANT: Francisco Barreto  
DOCKET NO.: 06-26667.001-R-1 and 06-26668.001-R-1  
PARCEL NO.: 13-21-301-010-0000 and 13-21-301-011-0000

The parties of record before the Property Tax Appeal Board (PTAB) are Francisco Barreto, the appellant, by attorney Stephanie Park, of Park & Longstreet, P.C. in Rolling Meadows; 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:

<u>Docket No.</u>	<u>Parcel No.</u>	<u>Land</u>	<u>Imprv.</u>	<u>Total</u>
06-26668.001-R-1	13-21-301-010	\$7,589	\$27,325	\$34,914

<u>Docket No.</u>	<u>Parcel No.</u>	<u>Land</u>	<u>Imprv.</u>	<u>Total</u>
06-26667.001-R-1	13-21-301-011	\$7,589	\$73,877	\$81,466

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of two related parcels identified by property index numbers (PIN) 13-21-301-010 and 13-21-301-011. Parcel one, or PIN 13-21-301-010, consists of a 4,125 square foot lot improved with a 62-year-old, two-story, mixed use building of masonry construction containing 4,186 square feet of building area with four and one-half bathrooms and a partial-unfinished basement. Parcel two, or PIN 13-21-301-011 consists of a 4,125 square foot lot improved with a 75-year-old, three-story, mixed use building of masonry construction containing 6,760 square feet of building area with two and one-half bathrooms and a partial-unfinished basement.

The appellant, through counsel, argued that the fair market value of the subject is not accurately reflected in its assessed value as the basis of this appeal.

The appellant's attorney requested the PTAB consolidate both appeals for decision purposes. The PTAB finds that these appeals are within the same assessment triennial, involve common issues of law and fact and a consolidation of the appeals would not prejudice the rights of the parties. Therefore, under the Official Rules of the Property Tax Appeal Board, Section 1910.78, the Property Tax Appeal Board consolidated the above appeals.

In support of the market value argument, the appellant's evidence disclosed that the subject properties were purchased in October 2005 for a total purchase price of \$1,150,000. The appellant's evidence also disclosed that the purchase price reflects the purchase of two properties, parcel one and two as described previously. The appellant argued that the Cook County Assessor allocated 30% of the purchase price to parcel one and 70% of the purchase price to parcel two. In addition, the appellant submitted copies of the trustee's deed and settlement statement for the subject. Based upon this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final total combined assessment of \$168,806 was disclosed. The assessment reflects a total market value of \$1,668,043 for the subject, when the 2006 Illinois Department of Revenue's three-year median level of assessments of 10.12% for Class 2 property, such as the subject, is applied. In support of the assessment, the board submitted property characteristic printouts and descriptive data on four properties suggested as comparable to the subject. The suggested comparables are improved with two-story, mixed use buildings of masonry construction with the same neighborhood code as the subject. The improvements range in size from 3,362 to 4,608 square feet of building area and range in age from 73 to 90 years old. The comparables contain from three to four and one-half bathrooms, a partial-unfinished basement and a one-car or multi-car garage. The improvement assessments range from \$6.80 to \$12.42 per square foot of building area.

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 property was purchased in October 2005 for a total purchase price of \$1,150,000. The appellant's evidence also disclosed that the purchase price reflects the purchase of two properties, PIN 13-21-301-010 and 13-21-301-011. The appellant's evidence further disclosed that the Cook County Assessor allocated 30% of the purchase price to parcel one and 70% to parcel two. In addition, the appellant submitted copies of the trustee's deed and settlement statement for the subject. The Board finds the board of review failed to present any evidence to refute the arm's length nature of the sale. Moreover, the board of review's evidence neglects to address the appellant's market value argument.

Therefore, the PTAB finds that the subject had a market value of \$1,150,000 as of January 1, 2006. The Board further finds that the 2006 Illinois Department of Revenue's three-year median level of assessments of 10.12% for Class 2 property shall apply and a 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.

*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: January 21, 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.