



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

APPELLANT: Luis Puig
DOCKET NO.: 06-29764.001-R-1
PARCEL NO.: 17-05-103-048-0000

The parties of record before the Property Tax Appeal Board are Luis Puig, the appellant, by attorney Adam E. Bossov of the Law Offices of Adam E. Bossov, P.C., 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: \$5,333
IMPR.: \$13,895
TOTAL: \$19,228

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story masonry single-family dwelling that is 117 years old. The subject contains 640 square feet of living area and features a partial unfinished basement. The subject has a 1,270 square foot site and is located in West Chicago Township, Cook County, Illinois.

The appellant through legal counsel submitted a brief to the Property Tax Appeal Board claiming the subject property was overvalued in three different respects.

The first overvaluation argument was due to vacancy wherein the appellant "accepted" the subject's land assessment as part of the analysis. In support of the vacancy argument, the appellant's attorney indicated that the subject property had a vacancy rate of 50% for 2006. A Vacancy-Occupancy Affidavit was attached signed by the appellant indicating a vacancy rate of 50% for 2006. Based on this evidence, the appellant requested an occupancy factor of 50% be applied to the subject's 2006 improvement assessment resulting in a total assessment of \$18,490.

The second overvaluation argument made by the appellant related to the subject's land value. As set forth in the brief, the subject's total assessment for 2006 was \$31,646 which, at a 10% assessment level, reflects a land value, including improvements, of approximately \$249 per square foot of land area. Appellant's counsel contended that the subject "is worth \$25 [per square foot]" based on data attached to the appeal consisting of two pages summarizing various land sales. The location of the comparable land sales was not disclosed. One sheet, that appears to be a since page from an appraisal report, lists four sales of parcels that range in size from 4,856 to 22,738 square feet of land area; these sales occurred from July 2003 to March 2006 for prices ranging from \$90,000 to \$600,000 or from \$14.86 to \$26.39 per square foot of land area. The second page, which is page numbered 37 and again appears to be a single page from an appraisal report, lists five sales of parcels that range in size from 18,025 to 251,341 square feet of land area; these sales occurred from May 2003 to October 2006 for prices ranging from \$330,000 to \$3,972,000 or from \$4.30 to \$19.90 per square foot of land area. Based upon this data, the appellant's counsel a value of \$25 per square foot of land area, including improvements, would reflect a market value of \$31,750 "and would be assessed at \$5,080" at the 16% level of assessment for Class 2 properties under the Cook County Real Property Assessment Classification Ordinance.

The third overvaluation argument made by the appellant asserts that "the subject's improvements are virtually worthless." Therefore, the appellant's legal counsel contends the subject property should be assessed "in a manner similar to Class 1-00 vacant land." In support of this contention, the appellant's counsel attached nine vacant land assessment data sheets located in the subject's tax block. The nine parcels range in size from 2,375 to 3,781 square feet of land area and have land assessments ranging from \$3,135 to \$4,990 or \$1.32 per square foot of land area. In the brief, counsel pointed out that the subject is an irregularly shaped lot and "only about one-half the size of the standard city lot in Chicago." The subject has a land assessment of \$5,333 or \$4.20 per square foot of land area. Based on this evidence, the appellant requested a land assessment of \$1,676 or \$1.32 per square foot of land area.

The board of review submitted its "Board of Review Notes on Appeal" wherein the total assessment of the subject property of \$31,646 was disclosed. The total assessment of the subject property reflects a market value of approximately \$312,708 or \$488.61 per square foot of living area, including land, using the 2006 three-year median level of assessments for Class 2 property in Cook County of 10.12% as determined by the Illinois Department of Revenue.

In support of the subject's assessment, the board of review submitted a grid analysis of four comparable properties, one of which included sales data. The comparables are located in the same neighborhood code assigned by the assessor as the subject

property. The parcels range in size from 2,160 to 2,400 square feet of land area. The parcels have land assessment ranging from \$8,482 to \$9,024 or \$3.76 or \$4.20 per square foot of land area. The subject has a land assessment of \$5,333 or \$4.20 per square foot of land area.

Each of these parcels is improved with a one-story masonry dwelling that ranges in age from 113 to 128 years old. The dwellings range in size from 420 to 630 square feet of living area. Each comparable has a full unfinished basement and two comparables have one-car and two-car garages, respectively. These comparables have improvement assessments ranging from \$22,804 to \$27,519 or from \$41.04 to \$54.30 per square foot of living area. The subject has an improvement assessment of \$26,313 or \$41.11 per square foot of living area.

Comparable #3 presented by the board of review sold in November 2006 for \$190,000 or \$301.59 per square foot of living area, including land.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant contends that the subject consists of "a 640 square foot shack located in an industrialized area" with few other residences and any residences in the area are, like the subject, "not in the best of condition." The appellant reiterated the contention that the subject lot of 1,270 square feet is irregularly shaped and un-standard whereas the board of review's comparable parcels are 2,160 square feet or greater. The appellant contends the comparables presented by the board of review "are located in areas more desirable than the subject."

Furthermore, in light of the board of review's comparable sale #3, the appellant proposes that the subject's total assessment be reduced to \$19,000 so as to reflect a similar market value to this comparable sale.

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 Property Tax Appeal Board gives no weight to two of the arguments raised by the appellant analyzing the land only value of the property either as vacant land with a Class 1-00 designation or based on market value by analyzing vacant land sales. The Property Tax Appeal Board finds that the subject property is not vacant, but rather is an improved parcel. Based on the fact that the subject property is improved, the subject is dissimilar to the nine vacant area parcels presented by the appellant seeking to have a Class 1-00 designation for "vacant land" applied to the subject. Similarly, the subject is dissimilar to the nine vacant land sales presented by the appellant. Moreover, as to the vacant land sales, none of the

comparables was similar to the subject in lot size ranging from 4,856 to 251,341 square feet of land area. Additionally, the location of these vacant land sales in relation to the subject is unknown which reduces the weight to be given to these sales.

As part of this appeal, the appellant argued the subject was overvalued due to vacancy problems. When market value is the basis of the appeal the value must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Property Tax Appeal Board The Property Tax Appeal Board, 331 Ill.App.3d 1038, (3rd Dist. 2002).

The Board finds the appellant's evidence consists primarily of a brief written by appellant's attorney. Based on vacancies of 50% supported only by information from the appellant's representatives, the appellant's attorney simply stated a 50% occupancy factor should be applied to the subject's improvement assessment. This would result in a reduction in the improvement assessment from \$26,313 to \$13,157 based solely on this brief and a vacancy affidavit.

The Board finds that for purposes of this vacancy argument, the appellant agreed with the market value of the subject property of \$312,708 as reflected in the assessment and requested a reduction due to vacancy. The Board also finds the appellant submitted no evidence of market value or vacancy rates for similar type properties. Without this evidence the Board finds it is impossible to know if the vacancy rate is a result of location, economics, poor management, above market asking rents or any of a number of other relevant factors that were not disclosed.

The Board finds the board of review submitted one sale the occurred in November 2006 for \$190,000 or \$301.59 per square foot of living area, including land. This property is similar to the subject in location, age, design, exterior construction and size although it is slightly superior by having a full basement and a two-car garage whereas the subject has a partial basement and no garage. The Board finds this evidence in the record from the board of review indicates the market value reflected in the subject's assessment is not indicative of the subject's value. The Board finds this evidence is sufficient to support a reduction in the subject's assessment based on overvaluation.

As a result of this analysis, the Property Tax Appeal Board finds the record demonstrates that the subject property is overvalued by a preponderance of the evidence and a reduction is justified.

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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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 23, 2013

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.