



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

APPELLANT: William Batts Trust
DOCKET NO.: 07-21939.001-R-1
PARCEL NO.: 14-20-108-031-0000

The parties of record before the Property Tax Appeal Board are William Batts Trust, the appellant, by attorney Allen A. Lefkovitz, of Allen A. Lefkovitz & Associates 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 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: \$ 15,220
IMPR.: \$ 119,250
TOTAL: \$ 134,470

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 3,000 square feet parcel of land improved with a seven-year old, two-story, masonry, single-family dwelling. The improvement contains 3,044 square feet of living area as well as three full and one half-bathrooms, a full basement, one fireplace and a one and one-half car garage.

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 include copies of printouts relating to the subject property from a website entitled 'realinfo.net'. The printouts reflect the mortgage history applicable to the subject property as well as the assessor's website printout for the subject property. The printouts reflect that the subject property sold on June 4, 1999 for \$300,000.

The appellant's brief also raised two ancillary issues. The brief initially argues that the subject should be accorded a vacancy proration based upon the assertion that the subject is

vacant and currently advertised on the market for sale. While the brief also asserted that the subject's assessment was increased in tax year 2006 by 68.93%, while other properties in the City of Chicago were experiencing an average of a 40% increase. Based on this evidence, the appellant requested a reduction in the subject's assessment.

At hearing, the appellant's attorney indicated that the subject had been advertised for sale on the market during tax year 2007.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment was disclosed as \$134,470. As to the subject, the board of review submitted copies of property characteristic printouts for the subject. In addition, the board of review submitted copies of printouts for four suggested comparables. They were improved with a two-story, masonry, single-family dwelling. They range: in age from three to nine years; in size from 2,600 to 2,894 square feet of living area; and in improvement assessments from \$42.67 to \$51.95 per square foot. The subject's improvement assessment is \$39.23 per square foot of living area.

At hearing, the board of review's representative testified that the board of review policy in reference to considering a vacancy factor application is that certain documents are required: photographs of the interior depicting a vacant property; a vacancy affidavit by the owner; and copies of listing agreements or other documentation reflecting that the owner had made attempts to mitigate the vacancy. He stated that in the subject's situation that the aforementioned documents had never been provided; therefore, he stated that no factor was accorded to the subject and then he rested on the equity comparables which were submitted into evidence in support the subject's assessment. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant submitted a copy of the subject's listing agreement signed by the appellant only as well as a copy of as well as mortgage summary printouts for another property.

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. Further, the board of review's representative testified that vacancy relief was not accorded the subject due to the appellant's failure to submit the aforementioned required documentation.

Moreover, the Board finds insufficient and irrelevant the submitted printouts of some type of mortgage history summary for the subject without either further documentation or testimony.

As to the appellant's ancillary issue of a percentage increase in tax year 2006 applicable to the subject, the Board finds that the appellant's assertion relates to a tax year which is not at issue in this 2007 tax year appeal; and therefore, irrelevant.

On the basis of this analysis, the Board finds that the appellant has failed to support the assertion of overvaluation 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 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: 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.