FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: 2051 West Pensacola, LLC
DOCKET NO.: 07-21969.001-R-1
PARCEL NO.: 14-18-308-003-0000

The parties of record before the Property Tax Appeal Board are 2051 West Pensacola, LLC, 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:	$ 11,616
IMPR.:	$ 98,577
TOTAL:	$ 110,193

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 3,750 square feet parcel of land improved with a one-year old, two-story, masonry, single-family dwelling. The improvement contains 3,000 square feet of living area as well as three full and one half-bathrooms, a full basement, two fireplaces and a three-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 May 2, 2005 for $565,000.

The appellant's brief also raised an ancillary issue. 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. 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 with the submitted photograph which was taken in 2008 reflecting signage advertising the property for sale. Further, he argued that the same assertions made in this appeal were brought before the board of review in the subject's 2008 appeal, wherein an assessment reduction was granted to the taxpayer. In support of this argument, the appellant submitted Appellant's Hearing Exhibit Group #1 without objection. This Exhibit contains a copy of the board of review's 2008 decision with the conspicuous statement "one year only" on the face of the document as well as a copy of the taxpayer's brief. The attorney to his personal knowledge asserted that a board's decision with such a conspicuous statement generally is undertaken when occupancy/vacancy relief is granted.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment was disclosed as $110,193. As to the subject, the board of review submitted copies of property characteristic printouts for the subject. In addition, the analysis stated that the subject property had been purchased on December 1, 2004 for $565,000 or $188.33 per square foot. Beyond this evidence, the board of review submitted copies of the taxpayer's evidence submissions at the board's hearing.

At hearing, the board of review's representative testified that the appellant failed to submit any building or demolition permits for this subject property. He stated that the board of review had requested various documents from the appellant-developer relating to the application of a vacancy factor, which were never provided such as: closing documents, settlement statements, renovation permits, costs of renovation and leasing documentation. Therefore, he stated that no proration was given to the subject. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant's attorney submitted duplicate copies of the prior evidence submissions as well as a copy of an affidavit and a copy of the Cook County board of review's brochure entitled "Official rules of the Board of Review of Cook County". At hearing, the appellant's attorney argued that the subject property's original building was demolished sometime in 2007 and that the board of review's 2008 decision should be applied to the 2007 tax year.

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 that the appellant also failed to proffer documentation that the subject's purchase in 2005 was an arm's length transaction or in the converse that the board of review's position that the subject sold in 2004 was incorrect. 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 argument that the subject's 2007 assessment should be similar to the board of review's 2008 decision is without merit. The Board finds that there was no probative evidence or testimony submitted substantiating what improvement, if any, existed on the subject property as of the assessment date at issue of January 1, 2007. In contrast, the photographs submitted by the appellant depict a one-year old improvement in tax year 2008 without further explanation. Moreover, the Board finds that the board of review's 2008 decision conspicuously indicated on its face that the assessment reduction was for "one year only".

On the basis of this analysis, the Board finds that the appellant has failed to support the argument of overvaluation and vacancy 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.

Chairman

Member

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 19, 2011

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.