



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

APPELLANT: John DeCicco
DOCKET NO.: 07-25367.001-C-1
PARCEL NO.: 13-32-313-040-0000

The parties of record before the Property Tax Appeal Board are John DeCicco, the appellant; 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: \$ 21,483
IMPR.: \$ 52,537
TOTAL: \$ 74,020

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 9,300 square foot land parcel improved with a 79-year old, two-story, masonry, apartment building with 14 units. The improvement contains 9,988 square feet of living area. The appellant's appeal is based on unequal treatment in the assessment process.

As to the equity argument, the appellant submitted assessment data and descriptions on three properties located within a three-block radius from the subject. The properties are improved with a two-story, masonry, multi-family dwelling used as an apartment building. They range: in age from 78 to 81 years; in units from 8 to 20 apartments; in size from 7,342 to 19,124 square feet of living area; and in improvement assessments from \$4.48 to \$5.47 per square foot of building 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 final assessment of \$119,788 was disclosed. This assessment reflects a market value of \$544,490 or \$54.51 per square foot when the Cook County Ordinance level of assessment for class 3 property of 26% is applied. In addition,

the board's pleadings asserted that the subject sold via a trustee's deed in December, 2005, for a price of \$725,000 or \$72.50 per square foot.

In support of the subject's market value, raw sales data was submitted for four properties. The data from the CoStar Comps service sheets reflect that the research was licensed to the assessor's office, but failed to indicate that there was any verification of the information or sources of data. The properties sold in an unadjusted range from \$67,500 to \$104,166.67 per apartment unit. The apartment buildings contain from 10 to 12 units and from 9,204 to 10,080 square feet of living area. Sale #1 was located within a different municipality in comparison to the subject. While the documentation for the remaining properties failed to identify real estate brokers.

The board's memorandum stated that it was not intended to be an appraisal or estimate of value and should not be construed as such. Furthermore, the memorandum indicated that data was collected from sources assumed to be factual, accurate and reliable, but there was no verification of the information or sources and therefore, the accuracy is not warranted. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant stated that the subject's purchase was at the height of the real estate market prior to the real estate bubble causing a dramatic turn in valuation. In addition, he argued that the board of review failed to provide equity comparables in support of the subject's current assessment. Lastly, he submitted a survey of new comparables sales supporting a reduction to the subject's assessment.

As to this new data, the PTAB finds that Section 1910.66(a) and (c) of the official rules state that

Upon receipt of the argument and accompanying documentation filed by a party, any other party may, within 30 days after the postmark date of the Board's notice, file written or documentary rebuttal evidence. Rebuttal evidence shall consist of written or documentary evidence submitted to explain, repel, counteract or disprove facts given in evidence by an adverse party and must tend to explain or contradict or disprove evidence offered by an adverse party.. however, rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. 86 Ill.Admin.Code 1910.66(a)&(c).

Therefore, the PTAB finds that the appellant's new comparable data submitted in the guise of rebuttal evidence shall not be considered in this appeal.

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 appellant contends unequal treatment in the subject's improvement assessment as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the PTAB finds the appellant has met this burden.

As to the equity argument, the PTAB finds that the comparables submitted by the appellant are most similar to the subject in location, style, size, and age. Due to their similarities to the subject, these comparables received the most weight in the PTAB's analysis. These comparables had improvement assessments that ranged from \$4.48 to \$5.47 per square foot of living area. The subject's improvement assessment is \$9.84 per square foot of living area is above the range established by the comparables.

The board of review's properties were accorded diminished weight due to a disparity in raw, unadjusted data; location; and/or size. Moreover, as to the subject's sale in 2005, the board of review failed to proffer data reflecting that it was an arm's length transaction.

As a result of this analysis, the PTAB finds the appellant has adequately demonstrated that the subject dwelling was inequitably assessed by clear and convincing evidence and that 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 M. Louie

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: April 22, 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.