



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

APPELLANT: Suhail Faycurry
DOCKET NO.: 07-27572.001-R-1 through 07-27572.004-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Suhail Faycurry, the appellant, by attorney Lisa A. Marino, of Marino & Assoc., PC 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
07-27572.001-R-1	02-09-313-016-0000	5,500	0	\$5,500
07-27572.002-R-1	02-09-313-017-0000	5,500	0	\$5,500
07-27572.003-R-1	02-09-313-018-0000	5,500	0	\$5,500
07-27572.004-R-1	02-09-313-019-0000	10,282	0	\$10,282

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of four parcels of vacant land. Three parcels contain 2,500 square feet of area and one parcel contains 4,674 square feet of area, for a combined area of 12,174 square feet. The parcels are located in Palatine Township, Cook County.

The appellant raised two arguments: first, that there is unequal treatment in the assessment process; and second, that the subject's market value is not accurately reflected in its assessment as the bases of this appeal.

In support of the market value argument, the appellant submitted a settlement statement indicating that the subject property was purchased by the appellant on May 30, 2003 for \$86,000. In addition, the appellant's petition asserts: the property was purchased from Mary Kay Vartanian; that the property was

advertised for sale on the multiple listing service; and that the seller's mortgage was not assumed. The appellant also submitted a copy of the final decision issued by the Cook County Board of Review establishing a total assessment for the subject of \$26,782, which reflects a market value of approximately \$121,736 using the Cook County Real Property Assessment Classification Ordinance level of assessments for Class 1-00 property of 22%. Based upon this analysis, the appellant requested a reduction in the subject's assessment.

In support of the equity argument, the appellant submitted assessment data for four suggested comparables, all located within a two mile radius of the subject parcels. The suggested comparables are all Class 1-00 vacant land parcels that contain between 9,180 and 13,170 square feet of area, with a value between \$5.50 and \$8.00 per square foot. The subject is at \$10.00 per square foot. Based upon this analysis, 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 total assessment of \$26,782 was disclosed. In support of the subject's assessment, the board of review submitted a memo, assessment data and property record cards relating to six suggested comparables, as well as the property record cards for the subject property and the appellant's four suggested comparables. Five of the board's suggested comparables are located within a two block radius of the subject parcels. The board's suggested comparables #1 and #2 are Class 2-00 residential parcels while comparables #3 through #6 are Class 1-00 vacant land parcels. The parcels contains between 4,712 and 9,180 square feet of area and are all valued at \$10.00 per square foot. Based upon this analysis, the board requested confirmation of the subject's assessment.

After considering the arguments as well as reviewing 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 (3rd Dist, 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). 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.Adm.Code 1910.65(c)). Having considered the market value evidence presented, the Board concludes that this evidence indicates a reduction is not warranted.

In determining the fair market value of the subject property, the Board finds appellant's sale date too far removed from the assessment date to accurately reflect the subject's market value

as of January 1, 2007. The sale is over three years old and the appellant failed to provide any sales comparables or an appraisal as evidence to support that this sale is at market value as of January 1, 2007.

Accordingly, in determining the fair market value of the subject property, the Board finds that the appellant failed to submit sufficient evidence to show the subject was overvalued. Therefore, the Board finds that the appellant has not met its burden by a preponderance of the evidence and that the subject does not warrant a reduction based upon the market data submitted into evidence.

The appellant also 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 Board finds the appellant has not met this burden.

The parties submitted a total of 10 comparable properties for the Board's consideration. The Board finds that comparables #3 through #5 submitted by the board of review are the most similar to the subject in size, class and location. These comparables are: located on the same street as the subject parcels; Class 1-00 vacant land parcels that range in size from 8,730 to 9,000 square feet; and valued at \$10.00 per square foot. In analysis, the Board accorded the most weight to these comparables. The subject's value at \$10.00 per square foot is within the range established by these comparables.

After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's improvement assessment is equitable and no reduction in the subject's assessment is warranted.

The constitutional provision for uniformity of taxation and valuation does not require a mathematical equality. A practical, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all the constitution requires is a practical uniformity which appears to exist on the basis of the evidence. For the foregoing reasons, the Board finds that the appellant has not proven by clear and convincing evidence that the subject property is inequitably assessed. Therefore, the Property Tax Appeal Board finds that the subject's assessment as established by the board of review is correct and no 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.



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 28, 2012



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.