



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

APPELLANT: Craig Joseph
DOCKET NO.: 07-27591.001-R-1
PARCEL NO.: 12-25-312-031-0000

The parties of record before the Property Tax Appeal Board are Craig Joseph, the appellant, by attorney Thomas M. Battista, of Law Offices of Thomas M. Battista 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: \$ 4,693
IMPR.: \$ 52,612
TOTAL: \$ 57,305

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 3,451 square foot parcel of land that is improved with a 5,940 square foot, three-story, masonry, mixed-use building. It contains one owner-occupied commercial unit and four residential apartments. It is 40 years old. Features include three and one half-baths and an unfinished basement.

The appellant, via counsel, submitted an incomplete Residential Appeal with no indication of an appeal basis or a requested assessment. However, the appellant's written brief specified that the subject building suffers from significant structural damage and deferred maintenance, which indicates that the subject's market value is not accurately reflected in its assessment as the basis of this appeal.

In support of the market value argument, the appellant submitted a one-page customer proposal from RP Enterprises, LLC dated April 4, 2009. The proposal indicates that the north brick wall needs to be repaired at a total cost for labor and materials of

\$78,000. The appellant then argued that the building value should therefore be reduced by the cost to correct the structure, resulting in a market value of no greater than \$250,156. The appellant also submitted two color photographs of the rear of the subject property. No further evidence was provided. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment of \$57,305 was disclosed. This assessment reflects a market value of \$570,767 using the Illinois Department of Revenue's 2007 three year median level of assessment of 10.04% for Cook County Class 2 property. In support of the subject's assessment, the board submitted descriptive and assessment data on four properties suggested as comparable. They are one, two or three-story mixed-use buildings or single-family dwellings that are located in the subject's neighborhood. The properties range: in age from 34 to 81 years, in improvement size from 1,084 to 7,014 square feet of building area; and in improvement assessment from \$2.46 to \$13.97 per square foot. The board's grid sheet also indicated that there was a transfer of the subject in July 2007 for \$305,000, or \$45.69 per square foot with no further explanation regarding details surrounding this transfer. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After considering the evidence and reviewing the record, 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.

The appellant argued that the subject property is devalued due to its structural damage, however, the appellant failed to submit any market evidence as to the value of the subject property other than a proposal that was dated more than two years after the valuation date in question. As the evidence merely consisted of a proposal, the cost to cure any structural defects is speculative at best. The appellant failed to submit any market evidence as to the subject's value as of January 1, 2007, such as an appraisal, a recent arm's-length sale of the subject, or recent sales of comparable properties. Therefore, the Board finds that the appellant has not proven by a preponderance of the

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evidence that the subject is overvalued and no reduction in its assessment 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.

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: December 21, 2012

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.