



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

APPELLANT: Peter Loquercio
DOCKET NO.: 07-28484.001-R-1
PARCEL NO.: 13-30-135-009-0000

The parties of record before the Property Tax Appeal Board are Peter Loquercio, the appellant, by attorney Edward Larkin, of Larkin & Larkin in Park Ridge; 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: \$ 7,292
IMPR.: \$ 16,788
TOTAL: \$ 24,080

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 4,798 square foot parcel of land improved with a 93-year old, one-story, frame, single-family dwelling containing 960 square feet of living area. Amenities include one full bath, two bedrooms, central air conditioning, a full, unfinished basement, and a two and one-half car garage. The subject is classified as a class 2-02 single-family dwelling as defined by Cook County's Real Property Assessment Classification Ordinance.

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

In support of the equity argument, the appellant submitted descriptive and assessment data for one suggested comparable located next door to the subject. The dwelling is a class 2-03 single-family dwelling as defined by Cook County's Real Property

Assessment Classification Ordinance. The property is improved with a one-story frame, single-family dwelling. Features include two full baths, a full, unfinished basement, and a detached two-car garage. It is 92 years old, contains 1,008 square feet of living area and its improvement assessment is \$24.37 per square foot. The subject's improvement assessment is \$17.40 per square foot of living area.

In support of the market value argument, the appellant submitted a written brief explaining that the adjacent residence is an illegal three-flat that is boarded up and in unsafe condition. It is also in foreclosure. The brief explains that the adjacent building is unsecured and is an attractive nuisance to minors. The brief also states that: the market value for this property has declined; lending practices are unfair, deceptive and fraudulent; and there are many foreclosures in the neighboring area. Evidence submitted includes: a list of median sale prices in the subject's neighborhood from September 2006 through January 2008; a map showing foreclosures in the area; color photographs showing the proximity of the subject to the adjacent residence, as well as the condition of the adjacent property; and a compliance manual published by Ocwen Loan Servicing, LLC, who supervises the property adjacent to the subject. Based on this evidence, the appellant requested a 75% reduction in the subject's improvement assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$24,000. This assessment reflects a total market value of \$239,044 or \$249.00 per square foot based upon the application of the Illinois Department of Revenue's three-year median level of assessment for tax year 2007 of 10.04% for class 2 property.

The board of review submitted descriptive and assessment data, as well as black and white photographs, relating to four suggested comparables. They are all located within the subject's neighborhood, two of which are located within a one-quarter mile radius of the subject property. The properties are improved with a one-story, frame, single-family dwelling with one or two full baths and two or three bedrooms. They range: in age from 80 to 91 years; in size from 901 to 940 square feet of living area; and in improvement assessment from \$25.39 to \$26.82 per square foot of living area. The properties also include a full, finished or unfinished basement, central air conditioning for two properties, and a one or two-car garage. The board of review also noted the sale of comparable #4 in May of 2004 for \$239,400, or \$265.70 per square foot, including land. As a result of its analysis, the board requested confirmation of the subject's assessment.

In written rebuttal, the appellant's counsel indicated that the board of review did not address: fraudulent loan practices and subject neighborhood's deterioration; foreclosures in the neighborhood; the attractive nuisance adjacent to the subject; and the burdens of under secured loans to neighborhood residences.

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.

First, 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 data, the Board finds that the appellant has not met this burden.

The Board finds that comparables #1 through #3 submitted by the board of review are most similar to the subject. They are all one-story, frame, single family dwellings that are classified as class 2-02 as defined by Cook County's Real Property Assessment Classification Ordinance. These comparables range in improvement assessment from \$25.39 to \$25.80 per square foot of living area. The subject's improvement assessment at \$17.40 per square foot is below the range established by these comparables. Therefore, the Board finds no reduction is warranted as to this issue raised by the appellant.

As to the appellant's second issue, 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 evidence presented, the Board finds that the appellant has not met this burden and that a reduction is not warranted.

In determining the fair market value of the subject property, the Board finds the appellant failed to submit sufficient evidence to show the subject was overvalued. The Board finds the appellant's evidence lacks: any appraisal prepared by an appraiser licensed by the state; any detailed evidence of comparables sales used in establishing the subject's value; any adjustments made to these sales; and the reasoning for these adjustments. 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.

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: October 19, 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.