



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

APPELLANT: Walid Fikri
DOCKET NO.: 07-30081.001-R-1
PARCEL NO.: 14-18-119-015-0000

The parties of record before the Property Tax Appeal Board are Walid Fikri, the appellant; 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: \$12,400
IMPR: \$118,169
TOTAL: \$130,569

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of frame construction containing 3,030 square feet of living area. The dwelling was built in 2005 and features a full unfinished basement, central air conditioning and a fireplace.

The appellant submitted evidence before the Property Tax Appeal Board claiming unequal treatment in the assessment process and overvaluation as the bases of the appeal. The appellant did not contest the subject's land assessment.

In support of the overvaluation argument, the appellant submitted a settlement statement and three suggested comparable sales. The settlement statement for the subject property was dated May 23, 2005 and listed a price of \$1,349,000. The appellant also included three comparable sales located from the same block to 0.5 of a mile from the subject property. The comparables are described as two-story frame or masonry dwellings that are either 3 or 100 years old. The dwellings range in size from 2,721 to 3,096 square feet of living area. Other features include full unfinished basements, central air conditioning and either one or two fireplaces. One comparable has a one and one-half car

garage. The comparables sold from November 2005 to April 2007 for sale prices ranging from \$927,500 to \$1,325,000 or from \$340.87 to \$437.29 per square foot of living area including land. The appellant's record also revealed the subject property was an owner occupied residence that was the subject matter of an appeal before the Property Tax Appeal Board the prior year under docket number 06-24086.001-R-1. In that appeal the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property based on the evidence submitted by the parties.

As for the inequity argument, the appellant submitted a grid analysis with assessment information on eight suggested comparable properties. The comparables are located from the same block to 0.5 of a mile from the subject property and have lot sizes ranging from 3,100 to 4,655 square feet of land area. The comparables were reported to consist of two-story style frame or masonry dwellings. Three comparables are either 3 or 100 years old and five did not have their ages revealed. The dwellings range in size from 1,728 to 3,158 square feet of living area. Other features include full unfinished basements and central air conditioning. Four comparables have either one or two fireplaces and three comparables have between a 1.5 to a 2.5 car garage. The comparables have improvement assessments ranging from \$43,009 to \$90,688 or from \$17.98 to \$29.93 per square foot of living area. The subject's improvement assessment is \$118,169 or \$39.00 per square foot of living area.

Based on this evidence, the appellant requested a reduction in the subject's total assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$130,569 was disclosed. The subject's assessment reflects a market value of \$1,300,488 using the 2007 three year average median level of assessments for class 2 property of 10.04% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.59(c)(2)).

In support of the subject's assessment, the board of review submitted a grid analysis of four suggested comparable properties located one-quarter of a mile from the subject property with lot sizes ranging from 3,990 to 4,605 square feet of land area. The comparables consist of one and one-half or two-story style frame dwellings that range in age from 1 to 119 years old. The dwellings range in size from 1,506 to 3,313 square feet of living area. Three comparables have full finished basements and one comparable has a full unfinished basement. Two comparables have central air conditioning and three comparables have between one and three fireplaces. The comparables have garages ranging in size from a two-car to a three-car style. The comparables have improvement assessments ranging from \$39,543 to \$131,761 or from \$25.85 to \$39.77 per square foot of living area. Additionally, two of these comparables sold in May 2005 and June 2005 for prices of \$620,000 and \$1,300,000 or \$187.14 and \$429.61 per square foot of living area including land.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a brief arguing the board of review "cherry picked" comparables that are not representative of the subject dwelling. Additional arguments include, the board of review's comparable #3 is an invalid sale, the board of review's comparable #1 is an invalid comparable due to its superior finishes and location, the subject's sale price is overstated by the board of review by \$70,000, the comparables listed by the Cook County Assessor are ridiculous when compared to the subject and none of the board of review's comparables are located on Wilson Street.

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 Board further finds a reduction in the subject's assessment is not warranted.

The appellant argued the market value of the subject property is not accurately reflected in its assessed valuation. 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, 331Ill.App.3d 1038 (3rd Dist. 2002). Proof of market value may consist of an appraisal of the subject property, a recent sale of the subject property or comparable sales. (86 Ill.Admin.Code 1910.65(c)). After an analysis of the evidence in the record, the Board finds the appellant has not met this burden of proof and a reduction in the subject's assessment is not warranted.

The appellant argues the 2006 Property Tax Appeal Board decision lowering the subject's assessment should be carried forward to the 2007 assessment year. The Board finds the 2007 assessment year is not in the general assessment period, which included 2006. Therefore, no reduction based on this provision is warranted. Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, **shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225**, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review."

The Board gives no weight to the subject's May 23, 2005 settlement statement for a price of \$1,349,000. The sale occurred more than a year prior to the January 1, 2007 assessment date and therefore lacks probative value for the 2007 real estate market. The appellant claims that the contract sales price, as reported on the settlement statement, did not reflect the 5% credit granted by the builder to the buyer. The Board finds the written notes on the left margin of the form are not valid evidence that such a transaction took place. This type of transaction would be recorded on the sales contract or the Real Estate Transfer Declaration, which were not supplied by the appellant.

The Board finds both parties submitted a total of five suggested comparable sales for the Board's consideration. The Board gives less weight to the appellant's sale #1 due to its 2005 sale date. This sale occurred more than 1.5 years prior to the subject's January 1, 2007 assessment date. The Board gives less weight to the appellant's sale #3 due to its considerably older age when compared to the subject's age. The Board gives less weight to the board of review's sales due to their 2005 sale dates occurring greater than 1.5 years prior to the subject's January 1, 2007 assessment date. The Board finds the appellant's remaining sale #2 does not constitute an overvaluation argument by a preponderance of the evidence. Therefore, a reduction in the subject's assessment based on overvaluation is not warranted.

The appellant also contends unequal treatment in the subject's improvement assessment. 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 a reduction in the subject's improvement assessment is not warranted.

The Board finds both parties submitted a total of twelve comparables. The Board gives less weight to the appellant's comparables #3, #4, #5, #6, #7 and #8 due to age. Comparable #3 is 100 years old which is not comparable to the subject's 3 years of age. Comparables #4 thru #8 did not have their ages supplied, therefore, they cannot be compared to the subject based on age. Additionally, comparables #5, #6 and #7 are considerably smaller in size when compared to the subject. Comparable #8 is also a multi-family dwelling which is dissimilar to the subject's single family use. The Board gives less weight to the board of review's comparables #2 and #4 due their dissimilar one and one-half story style when compared to the subject's two-story style. Additionally, these comparables have considerably smaller sizes and considerably older ages when compared to the subject. The Board finds the remaining four comparables more similar to the subject in location, size, age, style and exterior construction. These comparables have improvement assessments ranging from \$87,292 to \$131,761 or from \$28.20 to \$39.77 per square foot of living area. The subject's improvement assessment is \$118,169 or

\$39.00 per square foot of living area, which falls within the range of assessed values of the comparables. After considering adjustments for differences in both parties' comparables when compared to the subject, the Board finds the subject's assessment is equitable and a reduction in the subject's assessment is not warranted.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. A practical uniformity, 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 the properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity, which appears to exist on the basis of the 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.

Acting 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 23, 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.