



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

APPELLANT: Tony Schillaci
DOCKET NO.: 08-21133.001-R-1
PARCEL NO.: 14-29-412-070-1001

The parties of record before the Property Tax Appeal Board are Tony Schillaci, the appellant(s), by attorney Patrick J. Cullerton, of Thompson Coburn LLP in Chicago; 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: \$6,273
IMPR.: \$45,309
TOTAL: \$51,582

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of one condominium unit within a three unit building. The appellant argued the fair market value is not accurately reflected in the assessed value.

In support of this argument, the appellant, via counsel, submitted a brief asserting that the subject's building is newly constructed and the subject unit was not occupied subsequent to the construction. The appellant argues that, while the two other units sold, the subject unit remained vacant and advertised for sale until it was eventually leased in May 2008. The appellant submitted an affidavit from the subject's owner/managing agent attesting the subject was vacant until May 2008. In addition, the appellant submitted PTAB decisions from other properties where a reduction was granted for vacancy due to rehabilitation of the property, a printout listing questions and answers from the assessor's website, and assessor documentation for other properties seeking a reduction or having a reduction granted. 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 total assessment of \$52,198 was disclosed. The subject's assessment reflects a market value of \$543,729 using the Illinois Department of Revenue's three-year median level of assessment for class 2, residential property of 9.60% for tax year 2008.

In support of the subject's assessment, the board of review also submitted a memo from Matt Panush, Cook County Board of Review Analyst. The memorandum shows that two units, or 64% of ownership, within the subject's building sold in 2007 for a total of \$932,000. An allocation of 2% or \$18,640 was subtracted from the total sale price for personal property to arrive at a total market value for the building of \$1,427,125. The percentage of ownership for the subject, 36%, was then utilized to arrive at a value for the subject of \$513,765.

The board also submitted a grid listing for each unit in the building: the property identification number; the percentage of ownership; and the assessment. An additional grid provided the percentage of ownership and sales information on the two units. In addition, the board included copies of recorder of deed's website printouts detailing the sale of the two units. As a result of its analysis, the board requested confirmation of the subject's assessment.

At hearing, the appellant's attorney argued that the subject's building was constructed in 2007 and the subject did sell, but was rented in May 2008. She asserted the subject should receive a 67% occupancy factor due to its vacancy from January to May 2008.

The board of review's representative, Roland Lara, argued that the appellant failed to show that the subject was uninhabitable. The only evidence submitted by the appellant indicates the subject was only vacant. He argued that the other two units sold in 2007 indicating the subject was habitable.

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.

When overvaluation is claimed the appellant has the burden of proving the value of the property 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.Admin.Code 1910.65(c). Having considered the evidence presented, the PTAB concludes that the evidence indicates a reduction is not warranted based on habitability.

The PTAB finds the appellant's argument that the subject was vacant in 2008 and should receive a reduction based on this vacancy unpersuasive.

Section 9-180 of the Property Tax Code provides:

The owner of property on January 1 also shall be liable, on a proportionate basis, for the increased taxes occasioned by the construction of new or added buildings, structure or other improvements on the property from the date when the occupancy permit was issued or from the date the new or added improvement was inhabitable and fit for occupancy or for intended customary use to December 31 of that year. 35 ILCS 200/9-180.

The Board finds the evidence shows the subject's construction was complete in 2007. Although the subject was vacant, it was fit for occupancy and a reduction based on this is not warranted.

However, the PTAB finds the board of review's evidence lists the subject's market value at \$513,765. The subject's current assessment is above this amount. The PTAB finds a reduction to the market value as listed in the board of review's evidence 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: October 18, 2013

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.