



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

APPELLANT: Michael Fazio  
DOCKET NO.: 08-24179.001-R-1  
PARCEL NO.: 12-23-415-029-0000

The parties of record before the Property Tax Appeal Board are Michael Fazio, 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 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:** \$6,449  
**IMPR.:** \$12,943  
**TOTAL:** \$19,392

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a 79 year old, one-and-one-half story, frame, single-family dwelling. It contains 1,136 square feet of living area and is situated on a 3,750 square foot lot. Features include one-and-one-half bathrooms and a crawl space.

Counsel for the appellant appeared before the before the Property Tax Appeal Board claiming both unequal treatment in the assessment process and that the market value of the subject property is not accurately reflected in its assessed value as the bases of the appeal.

In support of the equity claim, the appellant submitted descriptions and assessment information regarding four suggested comparable properties located within four blocks of the subject property. The suggested comparables are described as one-and-one-half story, frame or masonry, single-family dwellings that range in age from 56 to 78 years old and range in size from 1,243 to 1,760 square feet of living area. Features include a full finished or unfinished basement, one bathroom and a one to two-

car detached garage. These properties have improvement assessments that range from \$15.42 to \$15.82 per square foot of living area. The subject's improvement assessment is \$17.09 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

In support of the overvaluation argument, the appellant submitted a copy of a Cook County Recorder of Deeds web site print out that indicates the subject sold on September 30, 2004 for \$202,000. The appellant also submitted an affidavit that indicated the subject was purchased in an arm's-length transaction. Based on this evidence the appellant requested the subject's assessment be reduced to reflect the subject's purchase price.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's improvement assessment of \$19,414 or \$17.09 per square foot of living area was disclosed. In support of the subject's assessment, the board of review presented descriptions and assessment information regarding four suggested comparable properties located within the subject property's neighborhood code. The suggested comparables consist of a one-and-one-half story, frame dwellings that range in age from 64 to 78 years old and range in size from 1,060 to 1,181 square feet of living area. Features include a partial unfinished basement for one property, a one-and-one-half-car garage for one property, and one bathroom. These properties have improvement assessments that range from \$19.08 to \$22.54 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After hearing the testimony 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 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 assessment data, the Board finds the appellant has not met this burden.

The parties submitted a total of eight comparable properties for the Board's consideration. The Board finds comparables #3 and #4 submitted by the board of review and comparable #2 submitted by the appellant are the most similar to the subject in size, design, and style. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables had improvement assessments that ranged from \$15.42 to \$20.21 per square foot of living area. The subject's improvement assessment of \$17.09 per square foot of living area is within the range established by the most similar 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.

As to the appellant's second argument, 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, 331Ill.App.3d 1038 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2<sup>nd</sup> 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 warranted.

The PTAB finds the best evidence of market value is the sale of the subject in September 2004 for \$202,000. The appellant submitted un-rebutted evidence of this sale. The evidence indicates that the subject property was purchased in an arm's-length transaction, that the property was listed for sale on the open market through the Multiple Listing Service, and that the seller's mortgage was not assumed. The subject's assessment reflects a market value greater than the purchase price.

Based on this record the Property Tax Appeal Board finds that the subject property had a market value of \$202,000 for the 2008 assessment year. Since market value has been determined, the 2008 three year median level of assessment for Cook County class 2 property as established by the Illinois Department of Revenue of 9.60% shall apply and a 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.

*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: July 20, 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.