



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

APPELLANT: Pablo Derat
DOCKET NO.: 08-25105.001-R-1
PARCEL NO.: 18-09-319-022-0000

The parties of record before the Property Tax Appeal Board are Pablo Derat, the appellant(s), by attorney Anastasia M. Pouloupoulos, of Law Office of Anastasia M. Pouloupoulos 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: \$ 10,838
IMPR.: \$ 86,780
TOTAL: \$ 97,618

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 10,036 square foot parcel of land improved with an three-year old, two-story, frame and masonry, single-family dwelling containing 4,339 square feet of living area, three and one-half baths, air conditioning, one fireplace and a full, unfinished basement. The appellant argued both unequal treatment in the assessment process and that the market value of the subject property is not accurately reflected in the property's assessed valuation as the bases of this appeal.

In support of these arguments, the appellant, via counsel, submitted descriptions and assessment information on a total of three properties suggested as comparable and located within one mile of the subject. The properties are described as two-story, masonry or frame and masonry, single-family dwellings with three full baths, air conditioning, one or two fireplaces, and a full basement with one finished. The properties range: in age from one to four years; in size from 4,295 to 4,834 square feet of living area; and in improvement assessments from \$14.57 to \$18.66 per square foot of living area. The land sizes range from 6,700 to

13,400 square feet and land assessments from \$.80 to \$1.08 per square foot. The properties sold from July 2005 to March 2008 for prices ranging from \$399,900 to \$850,000. Comparable #1 does not have a price per square foot listed where as comparable #2 list the price per square foot at \$195.57 and comparable #3 at \$190.28.

The appellant's evidence also indicates the subject sold in April 2007 for \$1,030,000. Based on this evidence, the appellant requested a reduction in the subject's land and improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$97,618 with an improvement assessment of \$86,780 or \$20.00 per square foot of living area was disclosed. This assessment reflects a market value of \$1,016,854 or \$234.35 per square foot of living area using the Illinois Department of Revenue's 2008 three year median level of assessment of 9.6% for Cook County Class 2 property. In support of the subject's assessment, the board of review presented descriptions and assessment information on a total of four properties suggested as comparable and located within the subject's neighborhood code. The properties are described as two-story, frame and masonry, single-family dwellings with between two and one-half and four and one-half baths, air conditioning, one or two fireplaces, a full basement with two finished. The properties range: in age from three to seven years; in size from 3,830 to 4,057 square feet of living area; and in improvement assessment from \$20.29 to \$22.54 per square foot of living area. The land sizes range from 6,150 to 10,125 and all have land assessment of \$1.08 per square foot. Comparable #3 sold in June 2006 for \$850,000 or \$221.93 per square foot of living area.

The board of review's evidence also indicates the subject sold in April 2007 for \$1,030,000. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant's attorney argued that the subject is over assessed based on the appellant's suggested comparables. As to sale #1, the attorney asserted that this sale is for the land only, but could not point to anywhere in the evidence that supported this. She acknowledged that the subject did sell in April 2007.

The board of review's representative, Michael Terebo, rested on the evidence previously submitted.

In rebuttal, the appellant's attorney argued that the board of review's comparables are smaller than the subject property and have more amenities.

After reviewing 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 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 PTAB finds the appellant has not met this burden.

The parties submitted a total of seven properties suggested as comparable to the subject. As to the improvement, the PTAB finds the appellant's comparables and the board of review's comparables #2 and #4 most similar to the subject in design, construction, size, and age. Due to their similarities to the subject, these comparables received the most weight in the PTAB's analysis. The properties are masonry, two-story, single-family dwellings. The properties range: in age from one to seven years; in size from 3,967 to 4,834 square feet of living area; and in improvement assessment from \$14.57 to \$20.89 per square foot of living area. In comparison, the subject's improvement assessment of \$20.00 per square foot of living area is within the range of these comparables.

As to the land, the PTAB finds all the comparables similar to the subject. The properties range in land size from 6,150 to 10,125 and in land assessment from \$.80 to \$1.08 per square foot. In comparison, the subject's land assessment of \$1.08 per square foot is within the range of these comparables. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's per square foot land and improvement assessments are supported and a reduction in the subject's assessment is not warranted.

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 based on market value is not warranted.

The parties presented sales information on a total of four suggested comparables one of which was for the land only. In addition, both parties submitted evidence that the subject sold in April 2007 for \$1,030,000. Neither party argued that the sale was not arm's length in nature or did not reflect the market value. The PTAB finds the sale of the subject is the best evidence of the subject's market value. The PTAB further finds

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that the subject's sale price supports the current assessment and a reduction is not 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

Marko M. Louie

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: April 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.