



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

APPELLANT: David Valdez
DOCKET NO.: 08-26344.001-R-1
PARCEL NO.: 24-29-100-023-1070

The parties of record before the Property Tax Appeal Board are David Valdez, the appellant, 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: \$6,748
IMPR.: \$11,876
TOTAL: \$18,624

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 2-story class 2-99 residential condominium unit of frame and masonry construction containing 1,720 square feet of living area on a crawl space foundation. The dwelling is 22 years old and features central air conditioning, a fireplace and a 2-car garage. The dwelling is located in Palos Heights, Worth Township, Cook County.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation and unequal treatment in the assessment process as the basis of the appeal. In support of the overvaluation argument, the appellant submitted an appraisal report in which a market value of \$194,000, or \$112.79 per square foot of living area including land, was estimated for the subject property as of April 16, 2009. The appraiser developed the sales comparison approach in estimating the market value of the subject property. The appraiser considered three comparable properties that sold from September 2008 through February 2009, for prices that ranged from \$173,000 to \$229,000, or from \$112.79 to \$161.04 per square foot of living area including land. The appraiser also included two comparables that were listed but had not sold. These listings were for \$199,900 and \$204,000 or \$116.22 and \$155.37 per square foot of living area including land.

In support of the equity argument the appellant submitted a grid analysis containing information on three comparables which were

also used by the appraiser. These comparables are described as 2-story frame and masonry dwellings containing either 1,313 or 1,720 square feet of living area. The comparables are all 22 years old and feature central air conditioning, fireplaces and 1 or 2-car garages. The comparables sold or are listed for prices ranging from \$189,905 to \$200,900 or from \$110.41 to \$153.01 per square foot of living area including land. These comparables had improvement assessments ranging from \$9.77 to \$11.33 per square foot of living area. Based on this evidence the appellant requested that the subject's improvement assessment be reduced to \$25,820 or a market value of approximately \$258,200.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$27,521 was disclosed. The subject's assessment reflects a market value of \$286,677 or \$166.67 per square foot of living area, land included, using the 2008 three-year median level of assessments for class 2 residential properties in Cook County of 9.60% as determined by the Illinois Department of Revenue. The board of review presented descriptions and assessment information on eighteen comparable properties that sold between January 2005 and March 2009 for prices ranging from \$150,000 to \$256,000. These properties are all in the same condominium complex as the subject. The board of review also presented a market analysis of the subject property based on those 18 sales. The market value based on that analysis is \$291,596, or \$169.53 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 Property Tax Appeal Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellant contends 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 must be proven 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). 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 a reduction in the subject's assessment is warranted.

The Board finds the appellant's appraisal report is the best evidence of the subject's market value in the record. The appraiser estimated a market value of \$194,000 or \$112.79 per square foot of living area including land for the subject property as of April 16, 2009. The subject's assessment reflects a market value of \$286,677 or \$166.67 per square foot of living area including land, which is in excess of the market value estimate contained in the appraisal report. The board of review

submitted 18 sales comparables. These comparables were in the same condominium complex as the subject and sold for prices ranging from \$150,000 to \$256,000. The appraiser's value of the subject is within this range of sales. The Board finds that the board of review did not sufficiently refute the appellant's market value conclusion contained in the appraisal report.

Therefore, the Board finds the subject had a market value of \$194,000 as of its January 1, 2008 assessment date and the 2008 three-year median level of assessments for Cook County class 2 residential property of 9.60% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code 1910.59(c)(2)).

The appellant also 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 the reduction for overvaluation, the subject's improvement assessment is \$11,876 or \$6.90 per square foot of living area. The appellant submitted comparables with improvement assessments that ranged from \$9.77 to \$11.33 per square foot of living area. The subject's revised improvement assessment is below these comparables. Therefore, the Board finds no further reduction in the subject's assessment based on equity 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

Shawn R. Lerbis

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: June 24, 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.