



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

APPELLANT: Vincente Lara
DOCKET NO.: 08-26456.001-C-1
PARCEL NO.: 26-06-209-038-0000

The parties of record before the Property Tax Appeal Board are Vincente Lara, the appellant(s), by attorney John P. Fitzgerald, of Fitzgerald Law Group, P.C. 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: \$ 3,961
IMPR.: \$ 25,299
TOTAL: \$ 29,260

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 3,475 square feet of land improved with a one-story building. The appellant argues this improvement is a mixed-use building and that the fair market value is not accurately reflected in the assessed value.

In support of this argument, the appellant's attorney submitted a brief arguing that the subject is a mix-use building containing a commercial area in the front with an apartment in the rear for a total of 3,462 square feet of building area. No other evidence was submitted. Based on this, 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 \$38,761 was disclosed. This assessment reflects a fair market value of \$102,002 when the Cook County Real Property Assessment Classification Ordinance level of assessments of 38% for Class 5a property is applied.

In support of the subject's assessment, the board of review submitted the property record card for the subject which lists the subject as containing 1,700 above grade square feet of building area. This card is dated from 2002 and lists the subject as a commercial property.

In addition, the board of review presented descriptions and sales information on a total of five properties. These properties are described as one-story, commercial buildings. They sold from February 2003 to May 2010 for prices ranging from \$95,000 to \$205,000 or \$54.29 to \$102.50 per square foot of building area.

The board of review also submitted copies of the warranty deed and record of deeds' website printout showing the sale of the subject in June 2007 for \$77,000. 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 contains a residential apartment unit and a commercial unit.

The board of review's representative, Roland Lara, argued that the appellant failed to present any evidence to show that the improvement contains any residential units and classification should remain the same.

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 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).

The PTAB finds the appellant failed to submit any evidence to show that the subject's is incorrectly classified by the county. However, the PTAB finds the board of review submitted evidence of the sale of the subject in June 2007 for \$77,000. The PTAB finds this evidence to be the best evidence of the subject's market value. The current assessment reflects a market value above this sale price and, therefore, the PTAB finds 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.



Chairman



Member



Member



Member



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: February 21, 2014



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.