



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

APPELLANT: John DeCicco
DOCKET NO.: 08-30469.001-C-1
PARCEL NO.: 13-32-313-040-0000

The parties of record before the Property Tax Appeal Board are John DeCicco, the appellant(s); 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: \$ 19,530
IMPR.: \$ 97,884
TOTAL: \$117,414

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property has 9,300 square feet of land, which is improved with a 79 year old, two-story, masonry, multi-family dwelling containing 14 apartments, and 9,988 square feet of living area. The appellant argued that there was unequal treatment in the assessment process, and that the subject was overvalued as the bases for this appeal.

In support of the equity argument, the appellant submitted descriptive and assessment information on three properties suggested as comparable to the subject. These properties are described as two-story, masonry, multi-family dwellings that range in age from 81 to 86 years old, and in size from 7,342 to 19,124 square feet of living area. The suggested comparables have from nine to twenty apartment units. These suggested comparables have improvement assessments ranging from \$3.21 to \$6.75 per square foot of living area based on the 2009 assessments the appellant provided. The appellant's evidence does not disclose the suggested comparables' 2008 assessments. The subject's improvement assessment is \$9.80 per square foot of living area.

In support of the overvaluation argument, the appellant submitted Cook County Recorder of Deeds printouts and MLS printouts for six properties suggested as comparable to the subject. A map of the

six properties and the subject was also included. The suggested sales comparables are described as two or three-story, masonry, multi-family dwellings that contain from 8 to 16 apartment units. The buildings sold from February 2007 to July 2008 for between \$345,000 and \$625,000. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The Cook County Board of Review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$119,788 was disclosed. This assessment yields a market value of \$598,940 when the 20% assessment level for class 3-18 property under the Cook County Classification of Real Property Ordinance is applied. In support of the subject's assessment, the board of review submitted a property record card for the subject, and raw sales data for six apartment buildings located within five miles of the subject. The sales data was collected from the CoStar Comps service, and the CoStar Comps sheets state that the research was licensed to the assessor's office. However, the board of review included a memorandum which states that the submission of these comparables is not intended to be an appraisal or an estimate of value, and should not be construed as such. The memorandum further stated that the information provided was collected from various sources, and was assumed to be factual, accurate, and reliable; but that the information had not been verified, and that the board of review did not warrant its accuracy.

The suggested comparables contained buildings that range in age from 76 to 97 years old, and in size from 9,600 to 9,984 square feet of building area. The properties sold from September 2004 to November 2005 in an unadjusted range from \$575,000 to \$1,250,000, or from \$57.59 to \$128.87 per square foot of building area, land included. The printouts also indicate that the buyer and seller used the same real estate broker in both Comparable #3 and Comparable #4, and that no brokers were used in Comparable #6.

The board of review also submitted an Illinois Real Estate Transfer Declaration, stating that the subject sold for \$725,000 in December 2005. The document states that the subject was advertised for sale on the open market and that a real estate agent was used in the sale. This document was filed with the Cook County Record of Deeds office on January 3, 2006. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant re-affirmed the evidence previously submitted.

After reviewing the record and considering the evidence, the Property Tax Appeal Board (the "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. Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd.,

339 Ill. App. 3d 529, 545 (1st Dist. 2002); National City Bank of Michigan/Illinois v. Prop. Tax Appeal Bd., 331 Ill. App. 3d 1038, 1042 (3d Dist. 2002) (citing Winnebago Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 313 Ill. App. 3d 179 (2d Dist. 2000)); 86 Ill. Admin. Code § 1910.63(e). 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. Calumet Transfer, LLC v. Prop. Tax Appeal Bd., 401 Ill. App. 3d 652, 655 (1st Dist. 2010); 86 Ill. Admin. Code. § 1910.65(c). Having considered the evidence presented, the Board finds that a reduction is not warranted.

The parties submitted a total of twelve sales comparables. The Board finds that the comparables submitted by the appellant do not include the properties' improvement size, and, thus, an appropriate unit of measurement cannot be calculated to determine whether the subject is overvalued. The Board further finds that the evidence submitted by the board of review was unadjusted raw sales data, and was admittedly not intended to be an estimate of value. Therefore, no weight was given to any of the sales comparables. Moreover, the board of review was unable to prove that the sale of the subject in December 2005 was an arm's-length transaction. Thus, no weight was given to the Illinois Real Estate Transfer Declaration submitted by the board of review, and a reduction based on overvaluation is not warranted.

The appellant also contends unequal treatment in the subject's improvement assessment as a basis of this 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. Walsh v. Prop. Tax Appeal Bd., 181 Ill. 2d 228, 234 (1998) (citing Kankakee Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 131 Ill. 2d 1 (1989)); 86 Ill. Admin. Code § 1910.63(e). To succeed in an appeal based on lack of uniformity, the appellant must submit documentation "showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property." Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 403 Ill. App. 3d 139, 145 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(b). "[T]he critical consideration is not the number of allegedly similar properties, but whether they are in fact 'comparable' to the subject property." Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 403 Ill. App. 3d at 145 (citing Du Page Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 284 Ill. App. 3d 649, 654-55 (2d Dist. 1996)). After an analysis of the assessment date, the Board finds that the appellant has not met this burden.

The Board finds that, while some of the appellant's comparables appear to be similar to the subject, the appellant's evidence does not disclose the improvement assessment for the comparables. Thus, the Board is unable to find an appropriate range of the comparables' improvement assessment per square foot for the tax year at issue in this case: 2008. Moreover, the board of review's evidence was given less weight because it consisted of

unadjusted raw sales data that did not address the appellant's equity argument. Therefore, after considering adjustments and differences in both parties' comparables when compared to the subject, the Board finds that the subject's improvement assessment is equitable, and a reduction in the subject's assessment 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.



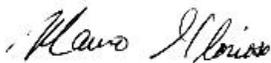
Chairman



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: November 30, 2012



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.