



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

APPELLANT: Anthony Deguido
DOCKET NO.: 09-21881.001-R-1 through 09-21881.003-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Anthony Deguido, the appellant, by attorney Timothy C. Jacobs, of Gary H. Smith 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
09-21881.001-R-1	28-12-118-023-0000	1,230	8,503	\$ 9,733
09-21881.002-R-1	28-12-118-024-0000	1,230	10,258	\$11,488
09-21881.003-R-1	28-12-118-025-0000	1,021	10,258	\$11,279

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of three parcels with a total of 13,924 square feet of land area that are improved with two dwellings. Dwelling #1 is a two-story frame dwelling that is seven years old. Dwelling #1 has 3,335 square feet of living area with a crawl-space foundation, central air conditioning, two fireplaces, and a three-car detached garage.¹ Dwelling #2 is a one-story frame dwelling that is 52 years old. Dwelling #2 has 768 square feet of living area with a crawl-space foundation and a two-car detached garage. Dwelling #1 is classified as a class 2-78 residential property under the Cook County Real Property Assessment Classification Ordinance, and dwelling #2 is

¹ The board of review claims the subject has 3,356 square feet of living area with only one fireplace and only one detached garage. The board of review only provided the subject's property characteristic sheets to support these claims. The appraiser listed the subject's living area as 3,335 square feet and stated the subject property had two detached garages and dwelling #1 had two fireplaces. The appraiser provided a detailed drawing of the subject dwelling to support the size claim and stated that he had inspected the subject property. The Board accepts the appraiser's claims as to the size and features of dwelling #1 and the two detached garages.

classified as a class 2-02 residential property.² The subject property is located in Posen, Bremen Township, Cook County.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the overvaluation argument, the appellant submitted an appraisal report, dated February 15, 2010, in which a market value of \$325,000 or \$97.45 per square foot of living area, land included, was estimated for the subject property as of January 1, 2009. The appraiser developed only the sales comparison approach to estimate the market value of the subject property. The appraiser considered three comparable properties that sold from January to July 2008 for prices that ranged from \$235,000 to \$274,000 or from \$92.81 to \$131.23 per square foot of living area, land included. The three comparable sale properties have lot sizes that range from 7,000 to 20,603 square feet of land area, and they are located from 0.2 to 2 miles from the subject property. The comparables are improved with two-story or quad-level frame and masonry dwellings that are either two or ten years old and contain from 2,088 to 2,647 square feet of living area. Two comparables have partial unfinished basements, and one has a full finished basement. Each comparable has central air conditioning, a fireplace, and a two-car attached garage. After identifying differences between the comparable properties and the subject, the appraiser made adjustments to the sale prices. The largest adjustments were for differences in view, garages, and living area. As a result, the adjusted sale prices of the comparable properties ranged from \$270,500 to \$339,500 or from \$106.83 to \$162.60 per square foot of living area, land included. On the basis of these three comparable sales, the appraiser concluded that the subject property had a market value of \$325,000 as of January 1, 2009.

In the brief, the appellant's attorney requested that subject's assessment should be calculated by applying the 10% median level of assessments for Class 2 residential property in Cook County to the estimate of market value contained in the appraisal report. Based on this record, counsel requested the subject's total assessment be reduced to \$32,500.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject property's final assessment for both dwellings of \$39,973 was disclosed. Dwelling #1 has a final assessment of \$28,048, and its assessment reflects a market value of \$315,157 or \$94.50 per square foot of living area, land included, using the 2009 three-year median level of assessments for Class 2 property in Cook County of 8.90% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.50(c)(2)).³ Dwelling #2 has a final assessment of \$11,924,

² Class 2-78 is a two or more story residence, up to 62 years of age, 2,001 to 3,800 square feet. Class 2-02 is a one-story residence, any age, up to 999 square feet.

³ This calculation was based on the subject having 3,335 square feet of living area.

and its assessment reflects a market value of \$133,978 or \$174.45 per square foot of living area, land included using the same 2009 three-year median level of assessments of 8.90%. Taken together, dwellings #1 and #2 have a combined market value of \$449,135.

The board of review presented descriptions and assessment information on three equity properties for dwelling #1 and four equity properties for dwelling #2. The board of review also provided a list of twenty properties with sale dates and prices; however, descriptive evidence for these sale properties was not provided. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Board finds it has jurisdiction over the parties and the subject matter of the appeal. The 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 of the property must be proved 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.

In this appeal, the Board finds that the board of review presented no substantive or descriptive market value evidence. The Board gives no weight to the equity evidence submitted by the board of review as it is not responsive to the appellant's appeal. The board of review did provide a list of twenty sale properties but descriptive evidence for these properties was not provided.

The Board finds the appellant's appraisal report is the best evidence of the subject's market value as of the January 1, 2009 assessment date. The appraiser estimated a market value of \$325,000 for the subject property as of January 1, 2009. The subject's assessment reflects a combined market value of \$449,135 (\$315,157 for dwelling #1 and \$133,978 for dwelling #2) using the 2009 three-year median level of assessments for Class 2 property in Cook County of 8.90% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.50(c)(2)). The subject's market value as reflected by its assessment is in excess of the market value estimate contained in the appraisal report.

Based on this record, the Board finds a reduction to the subject's assessment commensurate with the appellant's request is appropriate.

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: June 22, 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.