



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

APPELLANT: Vito LaMarca
DOCKET NO.: 09-25898.001-R-1
PARCEL NO.: 12-03-102-073-0000

The parties of record before the Property Tax Appeal Board are Vito LaMarca, the appellant, by attorney Joe Lee Huang, of Law Offices of Terrence Kennedy Jr. 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: \$ 4,560
IMPR.: \$42,949
TOTAL: \$47,509

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Cook County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2009 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property is 39 years old, and consists of a two-story dwelling of masonry construction containing 5,280 square feet of living area. Features of the home include a full basement. The property has a 5,700 square foot site and is located in Leyden Township, Cook County. The property is a class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal report for the property adjacent to the subject. The appraisal report was supported by three suggested sales comparables. The subject was not one of the comparables listed in the appraisal report. The sales occurred in 2008, were similar in physical characteristics to the subject and ranged from .18 to 5.88 miles in proximity to the subject. These comparables sold in price from \$475,000 to \$535,000, or from \$87.24 to \$101.10 per square foot of living area, including land. The appraisal report also contained two properties under active listings.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$61,899. The subject's assessment reflects a market value of \$695,494 or \$131.72 per square foot of living area including land, when using the board of review's indicated size of 5,280 square feet and when applying the 2009 three-year median level of assessment of 8.90% for class 2 property as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted descriptive and assessment data on four suggested equity comparables. These comparables were located from the same block to .25 miles in proximity to the subject, and were of similar physical characteristics, lot size, living area and age to the subject. These comparables ranged in improvement assessments from \$10.78 to \$11.48 per square foot of living area. Based upon this evidence, the board requested confirmation of the subject's assessment.

Conclusion of Law

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. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board gives no weight to appraisal's estimate of market value as the appraisal does not address the subject property. The appraiser did not inspect the subject and the adjustments made in this appraisal are not reflective of the subject's condition. The intended use of the appraisal was not to estimate the value for other properties. However, the Board will look at the raw data submitted in this appraisal and compare it to the subject.

The appellant presented descriptive and sales information on a three suggested sales comparables. The Board finds the appellant's comparables from the appraisal similar to the subject and closest to the lien date at issue. These properties sold from

June 2008 through September 2008 for prices ranging from \$475,000 to \$535,000, or \$87.24 to \$101.10 per square foot of living area, including land. In comparison, the subject property's assessment reflects a value of \$695,494 or \$131.72 per square foot of living area, including land, which is above the range established by the comparables. Therefore, after considering adjustments and the differences in the comparables when compared to the subject, the Board finds the subject's market value is not supported and a reduction to the subject's assessment 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

Tracy A. Huff

Member

Marko M. Louis

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: February 20, 2015

A. Proctor

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.