



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

APPELLANT: Stanley Latek
DOCKET NO.: 09-26667.001-R-1
PARCEL NO.: 20-03-303-029-1001

The parties of record before the Property Tax Appeal Board are Stanley Latek, 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: \$ 2,188
IMPR.: \$ 15,956
TOTAL: \$ 18,144

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a residential condominium unit located in Hyde Park, Cook County. The condo is 121 years old and is located in a building with a total of three units with masonry exterior construction. The subject condominium contains 920 square feet of living area and one bathroom.

The appellant raised two arguments: that the market value of the subject property is not accurately reflected in the property's assessed valuation; and that there is unequal treatment in the assessment process.

In support of this overvaluation argument the appellant submitted sales data on page #2 of his petition indicating the subject was purchased for \$5,350 on October 2, 2009. The appellant argued that the subject was in uninhabitable condition and submitted photographs of the subject's interior which showed dilapidated walls, water damage on walls, a/o exposed plumbing and electrical work. In addition, the appellant prepared a market analysis suggesting that the market value for the subject is \$7,470 and supplied MLS sheets indicating that four of six equity

comparables sold from November 2009 to July 2010 for prices from \$2,000 to \$12,000. The appellant failed to supply any sales data for comparables #5 and #6. Based on this evidence the appellant requested the subject's assessment be reduced to reflect the subject's purchase price.

In support of the equity argument, the appellant submitted descriptive and assessment data on the prior six comparable properties described as residential condominium units with masonry exterior construction. They range in age from three to six years old and in improvement assessment from \$2.60 to \$21.93 per square feet of living area. The subject's improvement assessment is \$24.05 per square feet of living area. Based on this evidence, 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 \$24,318 was disclosed. This assessment reflects a market value of \$273,236 using the Illinois Department of Revenue's 2009 three year median level of assessment for class 2 property of 8.90%.

In support of the subject's assessment, the board of review also submitted a memo from Matt Panush, Cook County Board of Review Analyst. The memorandum shows that three units, or 33.333% of ownership, within the subject's building sold between 2005 and 2009 for between \$5,500 to \$255,000. An allocation of 2% per unit for personal property was subtracted from the aggregate sales price then divided by the percentage of interest of units sold to arrive at a total market value for the building of \$24,499. The board also submitted a grid listing for each unit in the building: the property identification number; the percentage of ownership and the assessment and sales data for the subject's building price of a second unit in the building that sold on September 21, 2009 for \$25,000. As a result of its analysis, the board 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 Board further finds the evidence in the record does not support a reduction in the subject's assessment.

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, 331Ill.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). Having considered the evidence presented, the Board finds that the evidence demonstrates a reduction is not warranted.

The appellant submitted sales data on page #2 of his petition indicating the subject was purchased by the appellant for \$5,350 on October 2, 2009. The appellant argued that the subject was in uninhabitable condition and submitted photographs of the subject's interior which showed dilapidated walls, water damage on walls, a/o exposed plumbing and electrical work supporting this assertion.

Furthermore, the appellant submitted a total of four sales comparables which depict a range in sales price from \$2,000 to \$12,000. The Board finds that the appellant submitted raw sales data on these comparables and failed to indicate that the sales data relating to the comparables reflected an arm's length transaction. Therefore, the Board gives little weight to this evidence.

The appellant 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 an analysis of the assessment data, the Board finds the appellant has met this burden.

In addition, the appellant submitted the six comparables as equity comparables. They range in improvement assessment from \$2.60 to \$21.93 per square feet of living area. The subject's improvement assessment is \$24.05 per square feet of living area and is above the range established by the equity comparables. Based on this analysis, the Board finds that the appellant has adequately demonstrated that the subject was inequitably assessed by clear and convincing evidence and that 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

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: June 22, 2012

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.