



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

APPELLANT: Miguel Guadarrama
DOCKET NO.: 09-26764.001-R-1
PARCEL NO.: 19-09-311-028-0000

The parties of record before the Property Tax Appeal Board are Miguel Guadarrama, 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: \$ 3,465
IMPR.: \$ 7,393
TOTAL: \$ 10,858

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 3,150 square feet of land improved with a one and one half-story, frame dwelling. The improvement contains 1,972 square feet of living area as well as two or two and one half-baths.

As to the merits of this appeal, the appellant argued that the fair market value of the subject is not accurately reflected in its assessed value as the basis for this appeal.

The appellant's pleadings include recent sales data reflecting that the subject property is located in Chicago and that it sold on February 1, 2010 for \$107,000. It also stated that the property was in need of \$15,000 of renovations before occupation. The pleadings indicate that the subject was occupied on September 30, 2010. Said property was advertised for sale on the open market; sold using a real estate agent; and was not a transfer between related parties.

In support of the market value argument, the appellant submitted a residential appraisal summary report of the subject property

with an effective date of January 11, 2010 undertaken by Lawrence L. Walsh, who holds the designation of Certified Residential Real Estate Appraiser. The appraiser estimated a market value for the subject of \$107,000, while developing the income, cost, and sales comparison approaches to value.

The appraisal stated that the subject was improved with a detached, multi-family dwelling in existing construction and in fair condition. The appraisal indicated that the subject's actual age was 96 years. The appraiser undertook an interior and exterior inspection of the improvement which contained 3,150 square feet of living area.

Under the cost approach, the appraiser estimated the site value at \$40,000. In estimating a replacement cost new for the subject, he opined a cost of \$100.00 per square foot for the building as well as \$25.00 per square foot for the basement area and garage area reflecting a cost new of \$198,850. Less depreciation of \$95,506 resulted in a depreciated cost of the improvements at \$103,344. Adding site improvements of \$5,000 as well as the land value resulted in a market value estimate under this approach of \$140,506.

Under the sales comparison approach to value, the appraiser utilized three sale comparables. The comparables sold from September 1, 2009 to January 4, 2010, for prices that ranged from \$92,700 to \$170,000, or from \$69.80 to \$106.25 per square foot. The properties were improved with a multi-unit, frame or frame and masonry, multi-family dwelling, while the appraiser determined that they were in average condition. The properties ranged: in actual age from 83 to 92 years; in improvement size from 1,206 to 1,600 square feet of living area; and in land size from 3,125 to 3,780 square feet of land. Each property also included two full baths. After making adjustments to the suggested comparables, the appraiser estimated the subject's market value was \$107,000.

Under the income approach to value, the appraiser analyzed the subject's actual rents to estimate a potential gross income of \$107,200. The appraiser did not include any information regarding expenses.

The appraiser indicated that most weight was accorded the sales comparison approach to value in reconciling a final value estimate of \$107,000 for the subject property. Based upon this data, the appellant requested a reduction in the subject's market value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment was disclosed as \$26,636. This assessment reflected a total market value of \$266,360 or \$117.50 per square foot. However, based upon the application of the Illinois Department of Revenue's three-year median level of assessment for tax year 2009 of 8.90% for class 2

property, as is the subject property, the actual market value is \$299,281.

The board of review submitted descriptive and assessment data relating to four suggested comparables located within a one-quarter mile's radius of the subject. The properties are improved with one and one half-story or two-story, frame or frame and masonry exterior construction dwellings. The improvements ranged: in age from 76 to 101 years; in size from 1,512 to 2,208 square feet of living area; and in improvement assessment from \$12.00 to \$14.76 per square foot of living area. Amenities include two bathrooms and one-car to a two-car garage.

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. 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. 86 Ill.Admin.Code 1910.65(c). Having considered the evidence presented, the Board finds that the appellant has met the burden of demonstrating that the subject is overvalued and that a reduction is warranted.

The Board finds that the best evidence of market value was the recent purchase price of the subject property. The unrebutted evidence demonstrated that the subject sold on February 1, 2010 for \$107,000. The appellant indicated that he had to make repairs to the subject property in the amount of \$15,000 prior to occupying the property, two months after the sale concluded. Therefore, the Board finds the subject's sale price is \$122,000. The Board further finds that the county failed to proffer any evidence indicating either that this sale was not an arm's length transaction or that there were sales comparables located within the subject's area which rebutted the validity of the subject's sale price.

On the basis of this analysis, the Board finds that the subject had a fair market value of \$122,000 as of the 2009 assessment date at issue. Since fair market value has been established, the Department of Revenue median level of assessment for Cook County class 2, residential property of 8.90% for tax year 2009 shall apply to this subject property.

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

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: May 18, 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.