



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

APPELLANT: Margarita Cruz
DOCKET NO.: 09-32657.001-R-1
PARCEL NO.: 16-24-315-014-0000

The parties of record before the Property Tax Appeal Board are Margarita Cruz, the appellant, by attorney Brian P. Liston of Law Offices of Liston & Tsantilis, P.C., Chicago; 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: \$4,631
IMPR.: \$14,589
TOTAL: \$19,220

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a four-story retail/residential building with 13,272 square feet of building area. The property is described as having 13 apartments. The building is approximately 123 years old and is located on a 3,509 square foot site in Chicago, West Chicago Township, Cook County.¹ The property is classified as a class 3-18 property, a mixed use commercial/residential building with apartments and commercial area totaling seven units or more, under the Cook County Real Property Assessment Classification Ordinance (hereinafter "the Ordinance."). For tax year 2009 class 3-18 property is to be assessed at 16% of market value pursuant to the Ordinance.

The appellant marked comparables sales as the basis of the appeal. In support of this overvaluation argument the appellant submitted information on four comparable sales composed of multi-story buildings that ranged in size from 12,500 to 14,697 square feet of building area with sites ranging in size from 6,299 to 15,246 square feet. The buildings ranged in age from 1 to 104 years old. The sales occurred from August 2006 to May 2008 for

¹ Appellant's counsel indicated the subject building is 25 years old, however, a copy of the subject's property record card submitted by the appellant indicates the building is 123 years old.

prices ranging from \$690,000 to \$1,079,900 or from \$52.57 to \$75.16 per square foot of building area, including land. The appellant also submitted a copy of the final decision issued by the Cook County Board of Review establishing a total assessment for the subject of \$19,200, which reflects a market value of approximately \$120,125 or \$9.05 per square foot of building area, including land, using the Ordinance level of assessments for class 3-18 property of 16%. Based on this evidence the appellant requested the subject's assessment be reduced to \$17,546.

The board of review did not timely submit its "Board of Review Notes on Appeal" or any evidence in support of its assessed valuation of the subject property.

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.

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 the market value of the subject property may consist of an appraisal of the subject property as of the assessment date at issue. (86 Ill.Admin.Code 1910.65(c)(1)). The Board finds the appellant has not met this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the only evidence of market value timely submitted in the record is the comparable sales submitted by the appellant. These comparables had varying degrees of similarity to the subject property. The comparables were reported to have sold from August 2006 to May 2008 for prices ranging from \$690,000 to \$1,079,900 or from \$52.57 to \$75.16 per square foot of building area, including land. The Board finds the subject's assessment reflects a market value of approximately \$120,125 or \$9.05 per square foot of building area, including land, which is below the range established by the appellant's sales. These sales do not demonstrate the subject property is overvalued. The board of review did not timely submit any evidence in support of its assessment of the subject property as required by section 1910.40(a) of the rules of the Property Tax Appeal Board and is found to be in default pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. (86 Ill.Admin.Code 1910.40(a) & 1910.69(a)). Nevertheless, based on this record the Property Tax Appeal Board finds a reduction in the subject's assessment is not justified based on the comparable sales submitted by the appellant.

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

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 21, 2013

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.