FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Jozefa Oblazna
DOCKET NO.: 10-24685.001-R-1
PARCEL NO.: 19-06-307-031-0000

The parties of record before the Property Tax Appeal Board are Jozefa Oblazna, the appellant(s); 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:	$ 4,519
IMPR.:	$ 55,648
TOTAL:	$ 60,167

Subject only to the State multiplier as applicable.

ANALYSIS

The subject has 7,860 square feet of land, which is improved with a 7,835 year old, three-story, masonry, multi-family building. The subject's improvement size is 7,835 square feet of building area, and its total assessment is $60,167. This assessment yields a fair market value of $673,009, or $85.90 per square foot of building area (including land), after applying the 2010 Illinois Department of Revenue three year median level of assessment for Class 2 properties of 8.94%. The appellant argued that the fair market value of the subject property was not accurately reflected in its assessed value as the basis of this appeal.

In support of the market value argument, the appellant submitted a residential appraisal report for the subject property with an effective date of "tax year 2010." The appraiser estimated a fair market value for the subject of $457,365 based on the sales comparison approach to value. The four sales used by the appraiser were from 1.96 to 6.36 miles away from the subject, and net adjustments made to the comparables ranged from 20% to 29%. The appraiser expressly described why no adjustments were made for the location of the comparables, but provides no explanation for any of the other adjustments made. Additionally, the appraiser did not inspect the subject property. Based on this

evidence, the appellant requested a reduction in the subject's assessment.

The Cook County Board of Review submitted its "Board of Review-Notes on Appeal," wherein the subject's total assessment of $60,167 was disclosed. In support of the subject's assessment, the board of review submitted descriptive and assessment information for four properties suggested as comparable to the subject. The comparables are described as three-story, masonry, multi-family dwellings. Additionally, the comparables range: in age from 13 years; in size from 4,320 square feet of living area; and in improvement assessments from $7.50 per square foot of living area. The comparables also have several amenities. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant reaffirmed the evidence previously submitted. The appellant also argued that the Cook County Board of Review reduced the subject's assessment for tax year 2011 to $38,492.

At hearing, the appellant reaffirmed the evidence previously submitted. The appraiser was not available to testify. The Cook County Board of Review Analyst, Nicholas Jordan, argued that the appraisal used distant comparables, and that the value conclusion is based on a per unit basis, as opposed to an overall value. Mr. Jordan also added that Comparable #3 was a foreclosure, and was sold after the lien date of January 1, 2010.

After reviewing the record, considering the evidence, and hearing the testimony, the Property Tax Appeal Board (the "Board") finds that it has jurisdiction over the parties and the subject matter of this appeal.

In rebuttal, the appellant submitted evidence to show that the subject's 2011 assessment, as determined by the board of review, was $38,492. Evidence showing that the subject received a reduction in a later assessment year is admissible, and can be a relevant factor in determining whether the assessment for the tax year at issue is grossly excessive. Hoyne Savings & Loan Ass'n. v. Hare, 60 Ill. 2d 84, 90 (1974); see also 400 Condominium Ass'n. v. Tully, 79 Ill. App. 3d 686 (1979). However, when such evidence is taken into account, consideration must be given to any changes in the property that may have changed the subject's assessed value. Hoyne, 60 Ill. 2d at 90. However, the Board finds that tax year 2010 and tax year 2011 are in different triennials for the subject. Therefore, the Board finds Hoyne, inapplicable.

When overvaluation is claimed, the appellant has the burden of proving the value of the property by a preponderance of the evidence. Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 339 Ill. App. 3d 529, 545 (1st Dist. 2002); National City Bank of Michigan/Illinois v. Prop. Tax Appeal Bd., 331 Ill. App. 3d 1038, 1042 (3d Dist. 2002) (citing Winnebago Cnty. Bd. of Review v.

Prop. Tax Appeal Bd., 313 Ill. App. 3d 179 (2d Dist. 2000)); 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. Calumet Transfer, LLC v. Prop. Tax Appeal Bd., 401 Ill. App. 3d 652, 655 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(c). Having considered the evidence presented, the Board finds that the evidence indicates a reduction is not warranted.

The Board does not find the appraisal persuasive for several reasons. First, the sales comparables are all located a significant distance from the subject: from 1.96 to 6.36 miles from the subject. The appraiser attempts to justify the use of these distant comparables by stating that "[t]here have been no recent sales of small residential income properties in Stickney in the past 24 months." That may be true. However, looking at the map in the appraisal, there are several municipalities that are closer to the subject than most of the comparables, including: Forest View; Riverside; Berwyn; North Riverside; McCook; LaGrange; LaGrange Park; Countryside; Hodgkins; Summit; Bedford Park; Bridgeview; Burbank; certain parts of Chicago near Midway Airport; and Lyons (where Comparable #3 is located). The Board is not persuaded that there were no sales of similar properties in any of these municipalities within 24 months prior to the appraisal's "effective date." It is unlikely that there were no such sales in such a condensed urban area.

Second, the appraiser made significant adjustments to the comparables that are outside the U.S. Housing and Urban Development guidelines for net adjustments. U.S. Housing and Urban Development Handbook 4150.2, Appendix D, D-31 (the "HUD Handbook"). The guidelines in the HUD Handbook state that any net adjustment over 15% should be explained by the appraiser. The four comparables have net adjustments ranging from 20% to 29%, with no explanations by the appraiser describing why the adjustments exceeded the guideline. Interestingly, the appraiser expressly explained why he did not make any adjustments for location, even though the comparables were all located a significant distance from the subject, and probably warranted significant adjustments.

Third, the appraiser did not inspect the interior of the subject property. The Board is not persuaded that the appraiser could make a fair comparison of the subject to other similar properties without inspecting the subject.

Finally, fourth, there is no effective date on the appraisal. The effective date is listed as "tax year 2010." Tax year 2010 had 365 days. Accepting this "effective date" of "tax year 2010" would require the Board to assume that the market value of the subject remained the same from January 1, 2010 until December 31, 2010. Thus, the Board is not persuaded that this an appropriate effective date. For these reasons, the Board does not find the appraisal persuasive, and finds that the appellant has not

proven, by a preponderance of the evidence, that the subject was overvalued as of January 1, 2010. Therefore, no 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.

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: July 19, 2013

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.