



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

APPELLANT: Brian Fei
DOCKET NO.: 10-26289.001-R-1
PARCEL NO.: 27-02-320-012-0000

The parties of record before the Property Tax Appeal Board are Brian Fei, the appellant; 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: \$ 6,710
IMPR.: \$ 47,839
TOTAL: \$ 54,549

Subject only to the State multiplier as applicable.

ANALYSIS

The subject contains 12,200 square feet of land and is improved with a four year old, two-story, masonry, single-family dwelling. According to the Assessor's records, the subject's improvement size is 3,697 square feet of living area, which equates to an improvement assessment of \$12.94 per square foot of living area. Its total assessment is \$54,549, which yields a fair market value of \$610,168, or \$165.04 per square foot of living 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 there was unequal treatment in the assessment process of the subject's improvement, and also that the fair market value of the subject property was not accurately reflected in its assessed value as the bases of this appeal.

In support of the equity argument, the appellant submitted Multiple Listing Service ("MLS") print outs that list the approximate square footage and amenities of the subject and each of the comparables; however the print outs also state that, "The accuracy of all information, regardless of source, including but not limited to square footages and lot sizes is deemed reliable but not guaranteed and should be personally verified through personal inspection by and/or with the appropriate professionals." The MLS print out for the subject property indicates the subject contains approximately 3,646 square feet of

living area. The comparables are described as two-story, masonry, single-family dwellings. They range: in age from eight to nine years; in size from approximately 3,600 to 3,889 square feet of living area; and in improvement assessments from approximately \$13.80 to \$14.79 per square foot of living area. The comparables also have various amenities.

In support of the market value argument, the appellant submitted the same comparables and evidence that was submitted in support of the equity argument. The comparables sold between August 2010 and July 2011 for \$485,000 to \$525,000. Based on the approximate square footage of living area listed on the MLS print outs, these sale prices equate to \$124.70 to \$144.40 per square foot of living area, including land. The appellant also submitted an MLS sheet for the subject property which indicates the subject was listed for \$539,900 in of July, 2011. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The Cook County Board of Review submitted its "Board of Review-Notes on Appeal," wherein the subject's total assessment of \$54,549 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 two-story, masonry, single-family dwellings. They range: in age from four to seven years; in size from 3,380 to 3,655 square feet of living area; and in improvement assessment from \$13.98 to \$15.57 per square foot of living area. The comparables also have several amenities. The board of review did not provide any sales evidence. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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

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 finds that the appellant's comparables are insufficient as they contain only an approximation of living square footage and a disclaimer that the information contained therein is not guaranteed and should be personally verified. There is no indication in the record that the appellant verified the square footage or any of the information contained on the MLS print outs. Without more than an approximation of the comparables' living square footage, the Board is unable to rely on the comparables and cannot perform a market value analysis. As such, the Board finds that the appellant has not met the burden of proving the subject's value by a preponderance of the evidence.

In addition, the Board grants diminished weight to the list price of the subject property. According to the MLS print out, the subject was originally listed for sale in June, 2011, eighteen months after the January 1, 2011 lien date. There is no evidence in the record that the subject property sold in 2011. The Board finds that this listing is too distant in time from the January 1, 2010 lien date to be a reliable indicator of the subject's market value. Therefore, the Board finds the subject is not overvalued, and a reduction in the subject's assessment is not warranted based on the evidence in the record.

The appellant contends unequal treatment in the subject's improvement assessment as the basis of this 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. Walsh v. Prop. Tax Appeal Bd., 181 Ill. 2d 228, 234 (1998) (citing Kankakee Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 131 Ill. 2d 1 (1989)); 86 Ill. Admin. Code § 1910.63(e). To succeed in an appeal based on lack of uniformity, the appellant must submit documentation "showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property." Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 403 Ill. App. 3d 139, 145 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(b). "[T]he critical consideration is not the number of allegedly similar properties, but whether they are in fact 'comparable' to the subject property." Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 403 Ill. App. 3d at 145 (citing DuPage Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 284 Ill. App. 3d 649, 654-55 (2d Dist. 1996)). After an analysis of the assessment data, the Board finds that the appellant has not met this burden.

The Board finds that all of the comparables submitted by the board of review were similar to the subject in location, size, style, exterior construction, features, and age. The comparables had improvement assessments that ranged from \$13.98 to \$15.57 per square foot of living area. The subject's improvement assessment of \$12.94 per square foot of living area is below the range of the most similar comparables. Therefore, the Board finds the subject's improvement assessment is equitable and a reduction in the subject's assessment is not 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

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: July 19, 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.