



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

APPELLANT: Hugo A. Galicia
DOCKET NO.: 10-30511.001-R-1
PARCEL NO.: 13-11-318-036-0000

The parties of record before the Property Tax Appeal Board are Hugo A. Galicia, the appellant, by attorney Herbert Kanter, of Rieff Schramm Kanter & Guttman in Chicago; 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: \$8,000
IMPR.: \$19,500
TOTAL: \$27,500

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Cook County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) contesting the assessment for the 2010 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property is improved with a two-story multi-family dwelling of masonry construction with 2,876 square feet of living area. The building is approximately 95 years old. Features of the building include a full unfinished basement, central air conditioning and a two-car garage. The property has a 5,000 square foot site and is located in Chicago, Jefferson

Township, Cook County. The subject is classified as a class 2-11 apartment building with 2 to 6 units under the Cook County Real Property Assessment Classification Ordinance (hereinafter "Ordinance") with a 10% level of assessment.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on December 23, 2009 for a price of \$275,000. The appellant partially completed Section IV - Recent Sale Data of the appeal form disclosing the property was purchased from TCF National Bank and the parties to the transaction were not related. The appellant also submitted a copy of the settlement statement confirming the sale date and price. The settlement statement indicated the purchaser was Alma Guzman, not the appellant. The settlement statement also indicated that a sales commission totaling \$9,750 was paid to Remax Vision and Home First Realty. The appellant submitted a copy of a special warranty deed indicating the grantor was TCF National Bank and the grantee was Alma E. Guzman. The documentation provided by the appellant also included a Change of Name and Address on Cook County Real Estate Tax Bills Mail-in Web Application from the Office of the Cook County Treasurer naming the appellant as the person to receive the tax bill. The document further identified the appellant as the legal, beneficial or equitable owner, trustee or agent for the owner or trustee for the real property. The appellant's submission also included a copy of the decision issued by the Cook County Board of Review establishing a total assessment for the subject property of \$36,472. The subject's assessment reflects a market value of \$364,720 when applying the Ordinance level of assessment for class 2 property. The appellant's attorney requested the subject's assessment be reduced to \$24,475 based on the purchase price and the application of an 8.90% level of assessment, which was the 2009 three year median level of assessment for class 2 property as determined by the Illinois Department of Revenue.

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.

Conclusion of Law

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. 86

Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value timely submitted to be the purchase of the subject property in December, 2009 for a price of \$275,000. The appellant provided evidence demonstrating the sale had some elements of an arm's length transaction namely that the parties were not related. The settlement statement provided by the appellant disclosed that a sales commission was paid indicating that the property was exposed on the market to some degree. However, the appellant provided no information as to how the property was exposed on the market nor did the appellant provide any information as to how long the property was exposed on the open market. Nevertheless, the Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review did not timely submit any evidence in support of its assessment of the subject property or to refute the appellant's argument 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). Based on this record the Property Tax Appeal Board finds a reduction in the subject's assessment based on overvaluation 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

Tracy 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: August 22, 2014

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.