



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

APPELLANT: Ruben Montoya
DOCKET NO.: 11-22766.001-R-1
PARCEL NO.: 25-31-343-016-0000

The parties of record before the Property Tax Appeal Board are Ruben Montoya, 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: \$ 3,153
IMPR.: \$ 15,570
TOTAL: \$ 18,723

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) challenging the assessment for the 2011 tax year. The Property Tax Appeal Board (the "Board") finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject consists of a two-story dwelling of frame construction with 2,958 square feet of living area. The dwelling is eight years old. Features of the home include two and one-half baths, a full unfinished basement, central air conditioning, and a two-car garage. The property is situated on a 7,420 square foot site, and is located in Calumet Township, Cook County. The subject is classified as a class 2-78 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$135,000 as of March 8, 2011. The appraiser noted that the intended use of this appraiser was for a mortgage finance transaction.

The appraiser used the cost and sales comparison approaches to value. Under the sales comparison approach, the appraiser analyzed four sales and two properties listed for sale. The sales ranged in date from July 2010 to September 2010 for prices ranging from \$108,000 to \$159,000, or \$52.50 to \$103.56 per square foot, including land. Sales #1 through #3 were sold in "as-is" condition at the time of sale. All sales were located approximately one and one-half miles from the subject. Additionally, the appraiser made gross adjustments ranging from 24.6% to 41.9% on each of the sale comparables.

The board of review submitted its "Board of Review-Notes on Appeal" disclosing the total assessment for the subject of \$18,723. The subject's assessment reflects a market value of \$197,292, or \$66.70 per square foot of living area, including land, when applying the 2011 three year average median level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 9.49% as determined by the Illinois Department of Revenue. In support of its contention of the correct assessment, the board of review submitted information on four equity comparables. The board of review also submitted information on four comparable sales. The sales occurred between June 2009 and May 2010 for prices ranging from \$175,000 to \$300,000, or \$86.33 to \$104.60 per square foot, including land.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board does not find the appraisal submitted by the appellant persuasive. The Board gives no weight to the appraiser's conclusion of value as: the intended use of this appraisal was for a mortgage finance transaction; all of the sales were located approximately one and one-half miles from the subject; and the appraiser made gross adjustments ranging from 24.6% to 41.9% on each of the sale comparables. Page one in the appraisal addendum notes the appraiser exceeded the desired level of adjustments, sale dates and location from the subject in order to locate similar comparables. Additionally, no comparables were available that were similar to the subject in age or condition.

The unadjusted sales comparables submitted by the parties range from \$52.50 to \$104.60 per square foot, including land. The subject's current market value is \$66.70 per square foot, including land, which is in the middle of this range.

Docket No: 11-22766.001-R-1

Accordingly, the Board finds that a reduction in assessment is not warranted based on overvaluation.

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: 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.