



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

APPELLANT: Janet Tello
DOCKET NO.: 12-21315.001-R-1
PARCEL NO.: 16-31-107-050-1001

The parties of record before the Property Tax Appeal Board are Janet Tello, the appellant; 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: \$ 854
IMPR.: \$ 7,160
TOTAL: \$ 8,014

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a seven-year old, condominium unit located within a masonry building with six condominiums therein. The unit includes 1,082 square feet of living area and is located on the first floor of the building. The appellant argued that the fair market value of the subject was not accurately reflected in its assessed value as the basis of the appeal.

In support of the market value argument, the appellant submitted an appraisal with an estimated market value of \$82,000 with an effective date of July 11, 2012, which is also the date of inspection. The appraisal report utilized the sales comparison approach to value to estimate the market value for the subject property. In doing so, four sales and three listing properties were identified.

Under the sales comparison approach, the appraiser analyzed the sales these seven properties described as condominium units within mid-rise buildings. The four sale properties sold from November, 2011, to June, 2012, for prices ranging from \$48.15 to \$99.26 per square foot of living area. These units ranged in size from 952 to 1,246 square feet of living area. The appraiser adjusted each of the comparables for pertinent factors. Based on the similarities and differences of the comparables when compared to the subject, the appraiser estimated a value for the subject under the sales comparison approach of \$82,000.

At hearing, the appellant, Janet Tello, testified that she is the first and sole owner of this condominium, which is located on the first floor south end of the building. She stated that she resides in her unit and is familiar with her neighborhood. In reviewing the sale comparables in her appraisal, she stated that sales #1, #3, and #4 are located very close to her unit. She also stated that when she was appealing her property's value before the board of review, she received a response that the county was aware of a heavy activity of foreclosures within her neighborhood, but that the county did not accord such sales any weight. She also stated that the purpose of the appraisal was for refinancing purposes. Based upon this evidence and testimony, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$13,933 was disclosed. The subject's final assessment reflects a fair market value of \$143,787 or \$132.89 per square foot when the Illinois Department of Revenue's 2012 three-year median level of assessment of 9.69% for Cook County Class 2 properties is applied.

In support of the subject's assessment, the board of review presented a one-page analysis as well as several pages of assessor database printouts. The analysis indicated that one unit sale occurred in 2010 for a value of \$138,500 was used in development of an analysis. A personal property deduction of 1% was undertaken resulting in a total consideration of \$137,115. The unit's ownership percentage was applied to estimate the building's value of \$826,900. The subject's ownership percentage was applied to result in an estimated market value of \$139,347.

On an attached printout, there is a similar analysis of the only sale within the subject's building. The analysis indicated that the only unit sale occurred in February, 2010, for a value of \$138,500 was used in the analysis. A personal property deduction of 1% was undertaken resulting in a total adjusted consideration of \$137,115. The unit's ownership percentage was applied to estimate the building's value of \$826,990. The county's 10% level of assessment for class 2 property was applied resulting in an estimated market value of \$82,699 for the subject unit. There was no data relating to this unit's size, but the unit's ownership percentage of 16.58% varied from the ownership percentage accorded to the subject unit of 16.85%. In addition, a copy of the subject's property characteristic printout was attached. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the board of review's representative, Joe Powers, raised an objection to the appellant's appraisal because the appraiser was not present at the hearing to testify or be cross-examined; and therefore, he argued that the appraisal is hearsay. Also on this point, Powers requested that the Board not consider the raw sales data within the appraisal due to the lack of data regarding whether the sales were an arm's length transaction. He also stated that a condominium analysis is building specific because units can vary greatly in size and amenities.

As to the subject, Powers stated that he had no personal knowledge of whether there was case law or appraisal methodology that permitted the application of a personal property deduction or the appropriate percentage used therein or whether the sale property and the subject property were accorded a similar ownership percentage. Further, Powers indicated that he had no personal knowledge of whether the board of review's solitary sale was an arm's length transaction. Based upon this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant testified that she believes that when a property is listed for sale, that sales outside of the building are considered in making a market or impacting a market. She argued that if the county is determining her unit's market value for tax year 2012, then why is the county relying on a single sale from tax year 2010, which is not the assessment year at issue.

After reviewing the evidence and considering the testimony and/or arguments, the Property Tax Appeal 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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). 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. 86 Ill.Admin.Code 1910.65(c). Having considered the market value evidence presented, the Board finds that the appellant did meet this burden and that a reduction is warranted.

In determining the fair market value of the subject property, the Board looks to the evidence and testimony presented by the parties.

The appellant's appraiser was not present at hearing to testify as to his qualifications, identify his work, testify about the contents of the evidence, the conclusions or be cross-examined by the board of review and the Board. In Novicki v. Department of Finance, 373 Ill.342, 26 N.E.2d 130 (1940), the Supreme Court of Illinois stated, "[t]he rule against hearsay evidence, that a witness may testify only as to facts within his personal knowledge and not as to what someone else told him, is founded on the necessity of an opportunity for cross-examination, and is basic and not a technical rule of evidence." Novicki, 373 Ill. at 344. In Oak Lawn Trust & Savings Bank v. City of Palos Heights, 115 Ill.App.3d 887, 450 N.E.2d 788, 71 Ill.Dec. 100 (1st Dist. 1983) the appellate court held that the admission of an appraisal into evidence prepared by an appraiser not present at the hearing was in error. The appellate court found the appraisal to be hearsay that did not come within any exception to the hearsay rule, thus inadmissible against the defendant, and the circuit court erred in admitting the appraisal into evidence. Id.

In Jackson v. Board of Review of the Department of Labor, 105 Ill.2d 501, 475 N.E.2d 879, 86 Ill.Dec. 500 (1985), the Supreme Court of Illinois held that the hearsay evidence rule applies to the administrative proceedings under the Unemployment Insurance Act. The court stated, however, hearsay evidence that is

admitted without objection may be considered by the administrative body and by the courts on review. Jackson 105 Ill.2d at 509. In the instant case, the board of review has objected to the appraisal as hearsay. Therefore, the Board finds the appraisal hearsay and the adjustments and conclusions of value are given no weight. However, the Board will consider the raw sales data submitted by the parties.

In totality, the parties submitted sales data on five suggested comparables. The Board finds appellant's sales #1 through #4 are the most probative. Diminished weight was accorded the board of review's sale for the absence of improvement size data. The appellant's sales occurred from November, 2011, to June, 2012, for unadjusted prices ranging from \$48.15 to \$99.26 per square foot of living area. In comparison, the appellant's assessment reflects a market value of \$132.89 per square foot of living area which is above the range established by the sale comparables. After considering adjustments and the differences in the comparables when compared to the subject, the Board finds the subject's per square foot assessment is not supported and a reduction is warranted. Further, the Board finds that the board of review's second printout estimates a market value for the subject unit of \$82,699, which also supports a reduction for the subject property.

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: January 23, 2015

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.