



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

APPELLANT: Lattrell Foster
DOCKET NO.: 10-28186.001-R-1
PARCEL NO.: 15-08-402-052-0000

The parties of record before the Property Tax Appeal Board are Lattrell Foster, the appellant, by attorney Daniel J. Farley, of the Law Offices of Terrence Kennedy Jr. 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: \$2,381
IMPR: \$2,619
TOTAL: \$5,000

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 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 consists of a two-story dwelling of frame construction. The dwelling is approximately 57 years old and has 1,030 square feet of living area. Features of the home

include a full unfinished basement, central air conditioning and a one and one-half car garage. The property has a 5,292 square foot site and is located in Bellwood, Proviso Township, Cook County. The subject is classified as a class 2-07 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted evidence disclosing the subject property was purchased in August 2009 for a price of \$50,000.¹ In a letter submitted with the appeal, counsel requested the subject's assessment be reduced to \$5,000, or 10% of the subject's purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$14,500. The subject's assessment reflects a market value of \$145,000 or \$140.78 per square foot of living area, land included, when applying the 10% level of assessment for class 2 residential properties under the Cook County Real Property Assessment Classification Ordinance.

The board of review did not submit any evidence in support of the subject's assessment. However, Roland Lara, a board of review analyst, submitted a brief challenging the arm's length nature of the subject's sale. The board of review analyst submitted evidence that indicated the January 2010 sale of the subject property was compulsory due to a pending foreclosure. This evidence consisted of print-outs from the Cook County Recorder of Deeds' website.

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.

¹ The appellant provided contradictory evidence regarding the subject's sale date. In the appeal form and in a letter submitted by the appellant's attorney, the subject's sale date was listed as January 2010. However, evidence submitted by the appellant indicates that the sale date was actually August 20, 2009.

The Board finds the only evidence of market value in the record was the purchase of the subject property in August 2009 for a price of \$50,000. The appellant provided evidence demonstrating the sale had many of the elements of an arm's length transaction. The appellant did not complete Section IV - Recent Sale Data of the appeal but submitted a letter disclosing the parties to the transaction were not related and the property had been advertised on the open market with the Multiple Listing Service (MLS). In further support of the transaction, the appellant submitted a copy of the settlement statement and the subject's MLS listing sheet from Redfin.com. The settlement statement revealed the subject sold on August 20, 2009 for a price of \$50,000 and that a commission was paid to a realty firm. The MLS listing sheet revealed that the subject was listed for sale on July 1, 2009 and remained on the market for nearly two months until it sold in August 2009. The Board finds the subject's sale date was proximate to the assessment date and the purchase price was below the market value reflected by the assessment.

The Board finds the board of review presented evidence to challenge the arm's length nature of the transaction but did not submit any evidence to refute the contention that the purchase price was reflective of market value. Based on this record, the Board finds a reduction in the subject's assessment is appropriate.

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



Acting 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: June 26, 2015



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.