



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

APPELLANT: Matthew Janko
DOCKET NO.: 10-28349.001-R-1 through 10-28349.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Matthew Janko, the appellant(s), by attorney Leonard Schiller, of Schiller Strauss & Lavin PC 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
10-28349.001-R-1	15-15-331-042-0000	1,309	16,571	\$17,880
10-28349.002-R-1	15-15-331-045-0000	1,602	16,278	\$17,880

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, five unit apartment building of masonry construction with 2,864 square feet of living area. The dwellings were constructed in 1965. The

properties has a 4,272 square foot site and are located in Broadview, Proviso Township, Cook County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant stated that the subject was purchased in an arm's length transaction on April 30, 2010 for \$400,000. In support of the 2010 sale, the appellant submitted and unsigned real estate contract with a purchase price of \$450,000 and a settlement statement confirming sale of the subject for \$400,000 in 2010.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$60,357. The subject's assessment reflects a market value of \$675,134 or \$235.73 per square foot of living area, land included, when using the 2010 three year average median level of assessment for Cook County of 8.94% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted a brief stating that the 2010 sale of the subject was not an arm's length transaction due to lis pendens, prior LLC revocation of corporate status, no evidence of market time, and ownership status.

In rebuttal, the appellant's attorney falsely stated that the appraisal was submitted as evidence.

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 to be the purchase of the subject property in April 2010 for \$400,000. The Illinois General Assembly recently provided very clear guidance for the Board with regards to compulsory sales.

Section 16-183 of the Illinois Property Tax Code states as follows:

The property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.

35 ILCS 200/16-183. Therefore, the Board is statutorily required to consider the compulsory sales of comparable properties submitted by the parties to revise and/or correct the subject's assessment. The board of review failed to provide sufficient evidence either to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of the market. The mere fact that a lis pendens was placed on the subject and owner status change are not sufficient to prove that the sale of the subject was not reflective of the market.

Based on this record, the Board finds the subject property had a market value of \$400,000 as of January 1, 2010. Since market value has been determined the 2010 three year average median level of assessments for class2, residential property of 8.94% shall apply as determined by the Illinois Department of Revenue. 86Ill.Admin.Code §1910.50(c)(2).

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

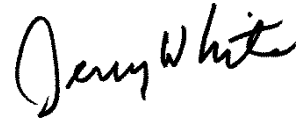


Member



Acting 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: December 18, 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.