



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

APPELLANT: Jonas DaSilva
DOCKET NO.: 10-30785.001-R-1
PARCEL NO.: 16-13-115-057-1001

The parties of record before the Property Tax Appeal Board are Jonas DaSilva, the appellant, by attorney Christopher B. Kaczynski, of Smith Hemmesch Burke & Kaczynski 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: \$800
IMPR: \$ 94
TOTAL: \$894

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 condominium unit in a three-unit condo building. The property is located in West Chicago Township, Cook County. The subject is classified as a class 2 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 on March 24, 2010 for a price of

\$10,900. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$11,679. The subject's assessment reflects a market value of \$130,638 when using the 2010 three year median level of assessments for class 2 property 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 an analysis estimating the market value of the subject property based on the sale of each unit within the subject building first in 2007 and then in 2009 and 2010.

At hearing, the appellant testified that the subject was advertised on the open market for a higher price, which was reduced over time. In addition, the appellant testified that the unit was in bad condition and needed to be rehabbed before renting out. Finally, the appellant purchased the other two units in the building, which have a higher percentage of ownership, for \$19,000 and \$19,500, respectively.

The board of review argued that the appellant presented no evidence of the subject's condition. The board of review also argued that the subject's 2010 sale was a compulsory sale as a result of a foreclosure and therefore not reflective of the market.

On rebuttal, appellant's counsel argued that the board of review's analysis is evident of what transpired. Counsel argued that the three sales in 2007 were prior to the market crash and therefore substantially higher than the subsequent sales. Counsel contends that the 2009 and 2010 sales are reflective of the market after the crash and consistent with each other. Counsel also argued that there is no statute or case law that requires the appellant to present pictures of the subject's condition at purchase. Finally, appellant's counsel submitted a closing memorandum, marked as appellant's hearing exhibit #1, arguing that recent changes in the Property Tax Code make it clear that compulsory sales should be considered in reviewing and correcting assessments.

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 March, 2010 for a price of \$10,900. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related. The appellant also testified that the property was sold using a Realtor and the property had been advertised on the open market with the Multiple Listing Service. In further support of the transaction the appellant submitted a copy of the settlement statement. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review's evidence supports appellant's position that purchase prices after the real estate downturn were substantially lower. Based on this record the Board finds the subject property had a market value of \$10,900 as of January 1, 2010. Since market value has been determined the 2010 three year median level of assessments for class 2 property of 8.94% shall apply. 86 Ill.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



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: March 18, 2016



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.