



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

APPELLANT: Fairfield Services, Inc.
DOCKET NO.: 10-31534.001-C-1
PARCEL NO.: 19-13-408-014-0000

The parties of record before the Property Tax Appeal Board are Fairfield Services, Inc., the appellant, by attorneys John M. Brannigan and Daniel Heywood, of Maher and Brannigan in Orland Park; 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: \$ 7,925
IMPR: \$ 21,975
TOTAL: \$ 29,900

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 three-story, masonry, low-rise, apartment building with 17,613 square feet of living area. The building was constructed in 1923 and contains 16 units therein. The property has a 7,390 square foot site and is located in Lake Township, Cook County. The subject is classified as a class 3-15 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 May 21, 2011, for a price of

\$230,000. In support of this assertion, the appellant submitted copies of the signed and dated settlement statement. The pleadings indicated: that the parties to the sale were unrelated; that the parties were represented by real estate brokers; that the property was advertised for sale on the open market; and that the seller's mortgage was not assumed.

Procedurally, the appellant's attorney verbally requested that the Board take judicial notice of the Hoyne decision, while asserting that the subject's assessment reduction in the subsequent 2011 tax year within the triennial reassessment period should require retroactive application to the 2010 tax year. In support of this assertion, the appellant submitted Petitioner's Hearing Exhibit #1 without objection from the board of review. This Exhibit was a copy of the 2011 decision from the Cook County Assessor's office reflecting a total assessment for the subject of \$23,000.

At hearing, Louis Cano was called as a witness. He testified that he has lived in the Chicago area all of his life and that he works for Cano Properties which buy and rent out affordable housing to members of the community for approximately 30 years. He stated that he looks for these properties in the Marquette and Brighton Park area, while indicating that he operates from 45 to 48 properties within this area including the subject. In addition, he testified that Fairfield Services is a holding company which owns the subject property and that he is the principal partner and owner of said company. He also provided detailed testimony regarding the subject's description. As to the property's listing history, he stated to his personal knowledge that it has been on and off the real estate market since approximately 1986 with listing prices which continued to drop over those years. He indicated that he was aware of this because he also owns four to five buildings which are adjacent to the subject. Moreover, he testified that he purchased a similar property within a one-block radius of the subject which contains 12 units and was purchased in August, 2009, for a price of \$220,000. Lastly, he believed that the market value for the subject in 2010 was from \$190,000 to \$200,000, but he admitted that he paid more for the subject in order to preserve the value of the building which he owns next door to the subject property. He stated that the prior owners of the subject had problems with gangs and drug dealing, therein. Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$29,900.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$60,631. The subject's assessment reflects a market value of \$466,392 or \$26.48 per square foot of living area, land included, when using the 2010 level of assessment for class 3-15 property of 13% under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment, the board of review submitted unadjusted sales data on five suggested comparable sales which were multi-family dwellings. These properties sold from 2005 through 2010 for prices that ranged from \$27.42 to \$75.62 per square foot. The properties ranged in building size from 18,018 to 20,716 square feet.

Moreover, the board of review's memorandum stated that the data was not intended to be an appraisal or an estimate of value and should not be construed as such. This memorandum indicated that the information provided therein had been collected from various sources that were assumed to be factual and reliable; however, it further indicated that the writer hereto had not verified the information or sources and did not warrant its accuracy. As a result of its analysis, the board requested confirmation of the subject's assessment.

At hearing, the board of review's representative argued that the subject's sale should be adjusted for the proximity in time from the 2010 lien date to the 2011 sales date. On cross examination of the board of review's evidence, the representative had minimal personal knowledge of the sales' neighborhood and/or details of the sales or properties beyond the Comps Service printouts.

The appellant's attorney argued that it was contradictory for the board of review to submit sales comparable #3 which sold in November, 2010, for consideration without any adjustments thereto, while asserting that the subject's actual sale should be adjusted for proximity to the lien date at issue. Further, he argued that the board's sale #3 was a compulsory sale. In support thereof, he submitted Petitioner's Hearing Exhibit #3 without objection. This Exhibit is a screen shot from the Cook County Recorder of Deeds office of the deed history for sale #3.

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 May, 2011 for a price of \$230,000 along with supporting testimony. 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 property was sold using a Realtor, the property had been advertised on the open market via a sign in the

yard and inclusion on the Multiple Listing Service, and it had been on the market for 16 months. In further support of the transaction, the appellant submitted a copy of the settlement statement.

As to the appellant's ancillary argument, the Board gave no weight to the appellant's reliance regarding the appellant's contention that the subject received a reduction in the subsequent years and, therefore, should receive a reduction in the year at issue. The Board finds in the recent decision of Moroney & Co. v. Property Tax Appeal Board, 2013 IL App (1st) 120493, 2 N.E.3d 522, the Court at ¶46 did not perceive Hoyne and 400 Condominium as standing for the proposition that "subsequent actions by assessing officials are fertile grounds to demonstrate a mistake in a prior year's assessments." In Moroney, the Court wrote in pertinent part:

... in each of those unique cases, which are confined to their facts, there were glaring errors in the tax assessments -- in Hoyne, the assessment was increased on a property from \$9,510 to \$246,810 in one year even though no changes or improvements to the property had occurred (Hoyne, 60 Ill.2d at 89), and in 400 Condominium, assessments on a garage were assessed separately from the adjoining condominium in violation of the Condominium Property Act (400 Condominium, 79 Ill.App.3d at 691).

Here, based upon the evidence that was submitted, there is no evidence that there was an error in the calculation of the 2010 assessment. Rather, the record shows that the 2010 assessment was properly calculated based on the evidence submitted by the parties.

Therefore, the Board finds that the purchase price is below the market value reflected by the assessment. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction. Based on this record, the Board finds the subject property had a market value of \$230,000 as of January 1, 2010. Since market value has been determined the 2010 level of assessment for class 3-15 property under the Cook County Real Property Assessment Classification Ordinance of 13% 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



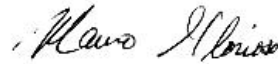
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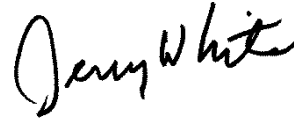
Member



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.