



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

APPELLANT: Eugene Gonchar
DOCKET NO.: 10-32793.001-R-1
PARCEL NO.: 03-03-301-139-0000

The parties of record before the Property Tax Appeal Board are Eugene Gonchar, the appellant, by attorney Joe Lee Huang 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: \$914
IMPR.: \$9,586
TOTAL: \$10,500

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 townhome of masonry construction with 1,169 square feet of living area. The home is 47 years old. The home has a full basement that has an

office/den. The property has a 1,925 square foot site and is located in Wheeling, Wheeling Township, Cook County. The subject is classified as a class 2-95 townhome 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 January 15, 2009 for a price of \$105,000. 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 \$16,525. The subject's assessment reflects a market value of \$165,250 or \$141.36 per square foot of living area, land included, when using the Cook County level of assessments for class 2 property of 10%.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales, three of which were one-story dwellings. The comparables ranged in size from 1,171 to 1,398 square feet of living area and ranged in age from 13 to 46 years old. The sales occurred from July to December 2009 for prices ranging from \$207,000 to \$281,000 or from \$164.35 to \$217.43 per square foot of living area, including land.

The board of review's submission included a brief arguing the subject property was the subject of a *lis pendens* proceeding and therefore the sale transaction was made under duress.

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 January 2009 for a price of \$105,000. The appellant provided a copy of the settlement

statement for the subject's sale disclosing the amount of commission paid for certified real estate services and REMAX Acclaimed. The appellant failed to complete Section IV - Recent Sale Data of the appeal, however, the board of review submitted a Multiple Listing Service (MLS) printout from redfin.com revealing the subject's marketing history. The subject was listed in September 2008 for \$139,900 and sold on January 15, 2009 for \$105,000. The Board finds the purchase price is below the market value reflected by the assessment. The Board gave some weight to the board of review's contention that the subject's sale was made under duress due to the *lis pendens* proceeding, however, the Board finds the suggested comparables presented by the board of review do not overcome the weight of the subject's sale price. The properties were not located in the subject's neighborhood, three were dissimilar one-story dwellings, three were significantly newer than the subject and one was on a dissimilar slab foundation. Based on this record the Board finds the subject's assessment is not reflective of market value and a reduction commensurate with the appellant's request is warranted.

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: November 20, 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.