



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

APPELLANT: Laura Dantuma
DOCKET NO.: 10-34500.001-R-1
PARCEL NO.: 17-22-110-082-0000

The parties of record before the Property Tax Appeal Board are Laura Dantuma, the appellant, 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 no change 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: \$ 26,237
IMPR.: \$ 113,263
TOTAL: \$ 139,500

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 three-story dwelling of masonry construction with 3,958 square feet of living area.¹ The dwelling is 4 years old. Features of the home include a slab foundation, central air conditioning, a fireplace and a two-car garage. The property has a 2,099 square foot site and is located in Chicago, South Chicago Township, Cook County. The subject is

¹ The Board finds the best evidence of the subject's story height is the subject's photograph within the board of review's submission.

classified as a class 2-95 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 limited evidence disclosing the subject property was purchased on February 28, 2011 for a price of \$1,395,000. The appellant's evidence included a brief from the appellant's attorney arguing the subject's 2010 assessment should reflect the sale price multiplied by the latest three year average median level of assessments for class 2 property of 8.90% under the Cook County Real Property Assessment Classification Ordinance as determined by the Illinois Department of Revenue.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$139,500. The subject's assessment reflects a market value of \$1,395,000 or \$352.45 per square foot of living area, land included, when using the level of assessments for class 2 property of 10% under the Cook County Real Property Assessment Classification Ordinance as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on four equity comparables, one of which sold in February 2008 for \$800,000.

Under rebuttal, the appellant's attorney claimed a recent appraisal was submitted indicating the value of the subject was \$1,395,000. In addition, based on the final assessed valuation and the three (3) year median level of assessment for Class 2 property of 8.94% as determined by the Illinois Department of Revenue, the Board of Review is valuing the property at \$1,560,402. The rebuttal brief also critiqued the board of review's submission and requested the decision in this appeal be based on the 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

As an initial matter, the Board finds the appellant's attorney did not submit an appraisal of the subject property as referenced in the rebuttal brief.

The Board finds the best evidence of market value to be the purchase of the subject property in February 2011 for \$1,395,000,

even though the sale occurred 14 months subsequent to the January 1, 2010 assessment date at issue. The appellant's attorney provided very limited evidence demonstrating the sale had the elements of an arm's length transaction. The appellant's attorney failed to complete Section IV - Recent Sale Data of the appeal, which would have disclosed whether the parties to the transaction were related or not, whether the property was sold using a Realtor, whether the property had been advertised on the open market and the length of time it had been on the market. The only meaningful evidence submitted that would support whether or not the subject's sale was an arm's length sale transaction was the settlement statement indicating a broker commission was paid. The Board finds the purchase price is the same as the market value reflected by the assessment when applying the Ordinance level of assessment. The Board finds the equity comparables presented by the board of review are not responsive to the overvaluation argument made by the appellant and were given less weight in its analysis. The Board also finds the 2008 sale submitted by the board of review does not overcome the evidence of the subject's sale. Considering the fact the sale of the subject property occurred approximately 14 months after the assessment date and the appellant failed to provide any evidence concerning the circumstances surrounding the sale, the Board finds the subject's assessment is reflective of the purchase price and a further reduction is not justified.

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.

Mario Albino

Chairman

K. L. Ferr

Member

JR

Member

Jerry White

Acting Member

Robert Hoffmann

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: April 22, 2016

A. Heston

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.