



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

APPELLANT: Ron Smith
DOCKET NO.: 10-35876.001-R-1
PARCEL NO.: 19-13-401-041-0000

The parties of record before the Property Tax Appeal Board are Ron Smith, the appellant, by attorney Anthony Lewis of the Law Offices of Gary H. Smith 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: \$3,996
IMPR: \$5,004
TOTAL: \$9,000**

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) 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 one-story dwelling of masonry construction with 1,743 square feet of living area. The dwelling is 87 years old and has a full unfinished basement.

The property has a 4,702 square foot site and is located in Chicago, Lake Township, Cook County. The subject is classified as a class 2-03 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 30, 2008 for a price of \$64,260. 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 \$16,542. The subject's assessment reflects a market value of \$165,420 or \$94.91 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.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales.

The board of review also submitted a brief disclosing the subject does not receive an owner occupied exemption and had a *lis pendens* placed on the subject prior to its 2008 sale.

Under rebuttal, the appellant's attorney submitted a brief arguing that the appellant's 2010 appeal is based on the recent sale of the subject and not a "rollover" of the 2009 Property Tax Appeal Board's decision reducing the subject's assessment to \$6,426 regarding Docket Number 09-33137.001-R-1. The brief included a critique of the board of review's 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 board of review's comparable #4. This sale was most similar to the subject in location, style, age, size, features and also sold most proximate in time to the assessment date at issue. The Board gave less weight to the remaining comparables submitted by the board of review due to their significantly smaller dwelling sizes, when compared to the subject. In addition, comparable #1 has a superior finished basement, when compared to the subject's unfinished basement and comparables #1 and #2 each have a two-car garage that is a feature the subject lacks. The Board gave little weight to the subject's May 2008 sale due to the fact the sale did not occur proximate in time to the assessment date at issue. The Board finds the sale is not recent and would be less indicative of the subject's value as of January 1, 2010. The best comparable sold in August 2009 for a price of \$77,500 or \$50.69 per square foot of living area, including land. The subject's assessment reflects a market value of \$165,420 or \$94.91 per square foot of living area, including land, which is above the best sales evidence in this record. After adjusting the best comparable for differences to the subject, such as the subject's larger lot, the Board finds the subject's assessment is excessive and a reduction in the subject's assessment is 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.

Chairman

K. L. Fan

Klaus Albrecht

Member

Member

JR

Jerry White

Member

Acting Member

Robert Steffen

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: January 22, 2016

A. Proctor

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.