



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

APPELLANT: Lisa Gagliano  
DOCKET NO.: 11-28649.001-R-1  
PARCEL NO.: 06-08-111-007-1153

The parties of record before the Property Tax Appeal Board are Lisa Gagliano, the appellant, by attorney Dennis W. Hetler, of Dennis W. Hetler & Associates PC 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:** \$570  
**IMPR.:** \$17,330  
**TOTAL:** \$17,900

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 2011 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 residential condominium unit located at 1854 Maureen Drive, Unit 25-3, Hoffman Estates, Hanover Township, Cook County. The subject is classified as a class 2-99 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 August 29, 2011, for a price of

\$177,000. The appellant also submitted an appraisal estimating the subject property had a market value of \$179,000 as of August 11, 2011. The appraiser developed the sales comparison approach to value and analyzed three comparable sales, a pending sale and an active listing to arrive at the estimate of the subject's market value. Based upon this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$20,198. The subject's assessment reflects a market value of \$201,980 when applying the 10% level of assessment for class 2 residential properties under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment, the board of review submitted an explanation outlining the method of assessing the subject condominium unit. The evidence indicates the condominium building has 271 condominium units and its estimated market value was derived from the sale of eight units. These sales occurred from March 2009 to July 2010 for prices that ranged from \$230,000 to \$277,000. No adjustments were applied to the sale prices, and descriptions of the properties were not provided by the board of review. The eight sales totaled \$2,027,500. The personal property of the condominiums that sold was estimated to be 2% or \$40,550. The sale prices less personal property (\$1,986,950) was divided by the sale units' total ownership percentage (2.969%) to arrive at the condominium building's estimated market value of \$66,923,206. The subject's market value was based on its pro rata share of ownership (0.348%) or \$232,893. Based upon this evidence, the board of review requested confirmation of the subject's assessment.

#### 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 in the record was the purchase of the subject property in August 2011 for a price of \$177,000. The appellant provided evidence demonstrating the subject's sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal and disclosed the sellers were individuals, the parties to the transaction were not related, the property was sold by realtors, and the property had been advertised for sale. To document the transaction, the appellant submitted copies of

the settlement statement, the sales contract and the Illinois Real Estate Transfer Declaration (PTAX-203). The settlement statement disclosed commissions were paid to realty firms and the transfer declaration revealed the property had been advertised for sale. The Board finds the subject sold proximate to the assessment date and its purchase price was 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 and was not able to refute the contention that the purchase price was reflective of market value. The board of review relied on the sale prices of eight condominium units to arrive at the subject's market value based upon its pro rata share of ownership. The Board finds that six of these sales occurred in 2009 which was not as proximate to the January 1, 2011 assessment date. The board of review also acknowledged that it did not have deed numbers and other sales information for the two sales that occurred in 2010. As a result, the Board finds the subject's August 2011 sale is the better indicator of the subject's market value as of the January 1, 2011 assessment date. The Board also finds that the appellant's appraisal report supports the subject's sale price.

Based on this record, the Board finds a reduction in the subject's assessment commensurate with the appellant's request is appropriate.

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.