



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

APPELLANT: Rodney Roberts
DOCKET NO.: 11-29603.001-R-1
PARCEL NO.: 10-18-202-066-0000

The parties of record before the Property Tax Appeal Board are Rodney Roberts, the appellant; 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: \$ 7,223
IMPR.: \$33,575
TOTAL: \$40,798

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 Facts

The subject property is 13 years old, and consists of a two-story dwelling of frame and masonry construction containing 3,341 square feet of living area. Features of the home include a full basement, central air conditioning, a fireplace and a 2.5-car garage. The property has an 8,255 square foot site and is located in Niles Township, Cook County. The subject is classified as a Class 2 property under the Cook County Real Property Assessment Classification Ordinance. The appellant requested a reduction in the subject's assessment to reflect the purchase price.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on three comparable sales. These sales occurred from 2011 to 2012 for prices ranging from \$378,000 to \$475,000. They ranged in living area from 2,600 to 3,546 square feet, or \$125.49 to \$145.38 per square foot of living area.

The appellant also submitted a settlement statement disclosing the subject property was purchased on January 25, 2011 for a price of \$429,900. The settlement statement lists the seller as Aurora Loan Services, LLC. The appellant completed Section IV - Recent Sale Data on page two of the Residential Appeal form for Board, wherein it is disclosed that the seller was Aurora Loan Services. The appellant also submitted the sale contract disclosing the name of his broker.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$50,923. The subject's assessment reflects a market value of \$536,596 or \$160.61 per square foot of living area, when using the board of review's indicated size of 3,341 square feet and the 2011 three-year median level of assessment of 9.49% for Class 2 property 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 suggested comparable sales. These properties sold from \$560,000 to \$627,500 and from \$170.58 to \$207.71 per square foot of living area.

The board of review also submitted a "Supplemental Brief to its Notes on Appeal," wherein it argued that the purchase of the subject property by the appellant lacked indicia of an arm's length sale. It appended a print-out from the Cook County Recorder of Deeds as an exhibit to its Brief. The exhibit includes what is commonly known as a *deed trail* for the subject property. The deed trail shows in relevant part the following recordings: 1) a *lis pendens* on the subject property by Aurora Loan services LLC on August 18, 2008; 2) a deed from grantor Aurora Loan Services LLC to grantee Rodney D. Roberts on June 25, 2009. The exhibit also includes copies of a Judicial Sale Deed conveying the subject to Aurora Loan Services, LLC.

Analysis

When overvaluation is claimed, the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code 1910.65(c). Having considered the market value

evidence presented, the Board concludes that this evidence indicates a reduction is warranted.

In determining the fair market value of the subject property, the Board looks to the evidence and testimony presented by the parties. Although the appellant's recent sale appears to have been a compulsory sale, it does reflect the fair market value based upon an analysis of recent sales of comparable properties. The Board finds the appellant's comparables #1 and #3, and board of review comparables #2 through #4 set the range of market value for the subject. These comparables were similar to the subject in location, style, construction, features, age, living area and land area. They ranged from \$125.49 to \$188.95 per square foot of living area.

The Board finds the board of review did not refute the contention that the purchase price was reflective of market value. Based on this record the Board finds the subject property had a market value of \$429,900 as of January 1, 2011. Since market value has been determined, the 2011 three-year median level of assessment of 9.49% for class 2 property as determined by the Illinois Department of Revenue shall apply (86 Ill.Admin.Code §1910.50(c)(2)).

Based on this record the Board finds the subject's assessment is reflective of market value 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Tracy A. Huff

Member

Marko M. Louis

Member

J. R.

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: February 20, 2015

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.