



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

APPELLANT: Mary Masnica
DOCKET NO.: 12-22592.001-R-1
PARCEL NO.: 08-24-105-014-0000

The parties of record before the Property Tax Appeal Board are Mary Masnica, the appellant, by attorney Stephanie Park, of Park & Longstreet, P.C. in Rolling Meadows; 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: \$ 4,704
IMPR.: \$19,037
TOTAL: \$23,741

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 2012 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 45-year-old, one-story dwelling of frame and masonry construction with 1,663 square feet of living area. Features of the home include a partial basement, central air conditioning, a fireplace and a two-car garage. The property has an 8,960 square foot site and is located in Elk Grove Township, Cook County. The subject is classified as a class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on overvaluation and assessment inequity. In support of the overvaluation argument, the appellant submitted evidence disclosing the subject property was purchased on July 9, 2010 for a price of \$245,000. In support of the overvaluation argument, the appellant submitted four suggested equity comparables.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$27,121. The subject's assessment reflects a market value of \$279,886 or \$168.30 per square foot of living area, land included, when using the 2012 three year median level of assessments for class 2 property of 9.69% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on eight suggested equity comparables with sales data on four of those properties. In addition, the board of review's evidence reflected the subject's 2010 sale for \$245,000.

In written rebuttal, appellant's counsel argued the board of review did not present any evidence to contest the arm's length nature of the transaction.

Appellant's counsel also argued that the subject's 2010 and 2011 assessment was reduced based on a certificate of error; therefore, the subject's 2012 assessment should also be reduced to avoid an unfair and unjust result. In support of this proposition, the appellant cited Hoyne Savings & Loan Association v. Hare, 60 Ill.2d 84, 322 N.E.2d 833 (1974) and 400 Condominium Association v. Tully, 79 Ill.App.3d 686, 398 N.E.2d 951 (1st Dist. 1979). In Hoyne, the appellant argued the court held that a substantial reduction in a subsequent tax bill is indicative of validity of prior tax years' assessment. In 400 Condominium Association, the appellant argued the Illinois Supreme Court cited and followed Hoyne in that a substantial reduction in a subsequent tax bill is indicative of validity of prior years' assessment.

Conclusion of Law

The Board finds that Hoyne is not applicable in this appeal and gave no weight to the appellant's argument. Hoyne allows for a reduction in the current tax year's assessment based on a subsequent tax year's reduction. Hoyne, 60 Ill. 2d at 90. Here, the appellant attempts to invoke the Hoyne doctrine for the proposition that a *previous* year's assessment can be used to reduce the current year's assessment. That is not the Court's holding in Hoyne, which applies only to a reduction in a *subsequent* year's assessment. Therefore, the Board finds that the appellant's reliance on Hoyne is misplaced.

The appellant also 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 July, 2012 for a price of \$245,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market on the Internet. In further support of the transaction the appellant submitted a copy of the settlement statement and an affidavit reiterating the information provided in Section IV of the appeal application. The Board finds the purchase price is 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. Based on this record the Board finds the subject property had a market value of \$245,000 as of January 1, 2012. Since market value has been determined the 2012 three year median level of assessments for class 2 property of 9.69% shall apply. 86 Ill.Admin.Code §1910.50(c)(2). After a reduction in the assessment, the Board finds the subject property to be equitably assessed.

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.