



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

APPELLANT: Andrew J. Conklin  
DOCKET NO.: 12-23797.001-R-1  
PARCEL NO.: 14-07-227-008-0000

The parties of record before the Property Tax Appeal Board are Andrew J. Conklin, the appellant, by attorney David C. Dunkin of Arnstein & Lehr, LLP 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:** \$9,500  
**IMPR.:** \$66,033  
**TOTAL:** \$75,533

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 two-story dwelling of masonry construction. The dwelling is approximately nine years old and has 2,771 square feet of living area. Features of the home include a partial finished basement, central air conditioning and a two-car garage. The property has a 3,654 square foot site and is located in Chicago, Lake View Township, Cook County. The subject is classified as a class 2-78 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 6, 2011 for a price of

\$549,000 or \$198.12 per square foot of living area, land included. 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 \$75,533. The subject's assessment reflects a market value of \$755,330 or \$272.58 per square foot of living area, land included, 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 information on four comparable sales that sold from January to August 2011 for prices that ranged from \$730,000 to \$870,000 or from \$296.03 to \$329.54 per square foot of living area, land included.

In addition, a board of review analyst submitted a supplemental brief challenging the arm's length nature of the subject's sale. The board of review analyst submitted evidence that indicated the May 2011 sale of the subject property was compulsory due to a pending foreclosure. This evidence consisted of copies of print-outs from the Cook County Recorder of Deeds' website, a notice of foreclosure from the Cook County Circuit Court, and the Illinois Real Estate Transfer Declaration for the subject's May 2011 sale. The transfer declaration disclosed that the answer to question #7 (Was the property advertised for sale or sold using a Real estate agent?) was marked "NO". Based on 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board considered the May 2011 sale of the subject property as well as the comparable sales submitted by the board of review. The Board gave less weight to the subject's sale, because the appellant was not able to demonstrate that the sale had the necessary 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 with the Multiple Listing Service (MLS). The appellant answered "No" to the question that asked if the property sold in settlement of a foreclosure. To document the

transaction, the appellant submitted copies of the settlement statement, the special warranty deed, and the MLS listing sheet. The special warranty deed disclosed the seller was Northern Trust. The MLS listing sheet revealed that the subject was listed for sale on March 29, 2011 at a price of \$549,900. The property was on the market for eight days before it sold on April 5, 2011 at a price of \$549,000. The MLS listing sheet also indicated the subject property's status was "pre-foreclosure."

The Board finds the board of review presented evidence to challenge the arm's length nature of the transaction which was not refuted by the appellant. In addition, the board of review was able to refute the appellant's contention that the subject's purchase price was reflective of market value. The board of review provided four sales with varying degrees of similarity to the subject property. These comparables sold from January to August 2011 for prices that ranged from \$730,000 to \$870,000 or from \$296.03 to \$329.54 per square foot of living area, land included. These sales demonstrate the subject's purchase price of \$549,000 or \$198.12 per square foot of living area, land included, is not reflective of fair cash value. Furthermore, the subject's assessment reflects a market value of \$272.58 per square foot of living area, including land, which is supported by the best comparable sales in the record. Based on this record, the Board finds a reduction in the subject's assessment 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.