



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

APPELLANT: Thomas John
DOCKET NO.: 12-24429.001-R-1
PARCEL NO.: 09-15-210-096-0000

The parties of record before the Property Tax Appeal Board are Thomas John, the appellant, by attorney Mitchell Klein of Schiller Strauss & Lavin 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: \$2,472
IMPR.: \$9,744
TOTAL: \$12,216

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 townhome of frame and masonry construction. The dwelling is approximately 48 years old and has 1,501 square feet of living area. Features of the home include a partial unfinished basement and central air conditioning. The property has a 2,826 square foot site and is located in Des Plaines, Maine Township, Cook County. The subject is classified as a class 2-95 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 4, 2011 for a price of \$126,064. 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 \$21,525. The subject's assessment reflects a market value of \$222,136 or \$147.99 per square foot of living area, land included, when using the 2012 three year average median level of assessments for class 2 property of 9.69% under the Cook County Real Property Assessment Classification Ordinance as determined by the Illinois Department of Revenue.

The board of review did not submit any market value evidence in support of its contention of the correct assessment. The board of review did submit a supplemental brief, in which a board of review analyst stated the subject's sale was compulsory due to a foreclosure and could not be considered arm's length in nature.

The appellant's attorney submitted a rebuttal brief.

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 only evidence of market value in the record was the purchase of the subject property in August 2011 for a price of \$126,064. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed a portion of Section IV - Recent Sale Data of the appeal form disclosing the seller was the U.S. Department of Housing and Urban Development and the property was sold using a realtor. To document the transaction, the appellant submitted a copy of the settlement statement and the Multiple Listing Service (MLS) listing sheet. The settlement statement reiterated the subject's sale price and disclosed that a commission was paid to two realty firms. The MLS listing sheet revealed that the subject was first listed for sale on December 22, 2010 at a price of \$180,000. The price was later lowered to \$131,220. After 119 days on the market, the subject sold for a price of \$126,064. The MLS listing sheet also disclosed that the subject was "pre-foreclosure" and was being sold in an "as-is" condition. The Board finds the purchase price is below the market value reflected by the assessment.

The Board finds the board of review presented evidence to challenge the arm's length nature of the transaction but did not submit any evidence to refute the appellant's 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 \$126,064 as of January 1, 2012. Since market value has been determined, the 2012 three year average median level of assessments for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 9.69% shall apply.

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.