



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

APPELLANT: Righteous Oaks LLC
DOCKET NO.: 12-29219.001-R-1
PARCEL NO.: 16-13-406-047-0000

The parties of record before the Property Tax Appeal Board are Righteous Oaks LLC, the appellant(s), by attorney Christopher G. Walsh, Jr., Attorney at Law in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented in this matter, 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: \$5,625
IMPR.: \$3,175
TOTAL: \$8,800

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 is a 114 year-old, two-story dwelling of masonry construction containing 2,214 square feet of living area. Features of the home include a full unfinished basement. The property has a 3,125 square foot site and is located in West Chicago 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. In support of this argument, the appellant submitted a Real Property Transfer Tax Declaration disclosing the subject property was purchased on November 8, 2012 for a price of \$88,000. The appellant also submitted information in Section IV – Recent Sale Data of the Residential Appeal that the subject was not a transfer between related parties, was not advertised for sale and was sold in settlement of a contract for deed. Based on this evidence, the appellant requested a reduction in the subject's

assessment to reflect the purchase price when applying the 2012 level of assessment of 10.00% for Class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$20,902. The subject's assessment reflects a market value of \$209,020, or \$94.41 per square foot of living area, when applying the 2012 level of assessment of 10.00% for Class 2 property under the Cook County Real Property Assessment Classification Ordinance. The board of review also submitted a brief arguing that the subject was not sold at fair market value because it was not advertised for sale. The board of review cited Calumet Transfer v. Property Tax Appeal Board, 401 Ill.App.3d 652 (1st Dist. 2010) for the proposition that a property not advertised for sale cannot sell at fair market value.

In support of its contention of the correct assessment, the board of review submitted information on four suggested comparable sales.

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 to be the purchase of the subject property in November 2012 for a price of \$88,000. The board of review misapprehends the holding in Calumet Transfer, *supra*. The Appellate Court did not predicate a finding of a sale at fair cash (or market) value on whether the property had been advertised for sale. The Court cited the Property Tax Code as the definition of fair cash value: "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." 35 ILCS 200/1-50. The board of review did not submit evidence that the buyer and seller in the instant case were not acting in the due course of business and trade, were under duress and were not willing parties to the transaction. One can easily envision a transaction in which the parties negotiated and completed a sale at fair market value without confirming that on the open market. Therefore, the Board finds the appellant demonstrated the sale had the elements of an arm's-length transaction. The appellant disclosed that the parties to the transaction were not related. In further support of the transaction, the appellant submitted a copy of the Real Property Transfer Tax Declaration. The Board finds the board of review did not present any evidence to challenge the arm's-length nature of the transaction or to 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 \$88,000 as of January 1, 2012 and that a reduction in the subject's assessment is justified. Since market value has been determined, the 2012 level of assessment of 10.00% for Class 2 property under the Cook County Real Property Assessment Classification Ordinance 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.



Chairman



Member



Member



Member



Acting Member

DISSENTING: _____

CERTIFICATION

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: September 23, 2016



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.