



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

APPELLANT: Helene Berns
DOCKET NO.: 12-32953.001-R-1
PARCEL NO.: 04-35-311-021-0000

The parties of record before the Property Tax Appeal Board are Helene Berns, the appellant(s), 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 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: \$ 9,765
IMPR.: \$40,847
TOTAL: \$50,612

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, masonry, single-family dwelling containing 3,209 square feet of living area. It was built in 2009 and is situated on a 10,016 square foot site. The subject is located in Northfield Township, Cook County, and is classified as Class 2-78 property under the Cook County Real Property Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$510,000 as of June 23, 2012. The appellant's attorney also indicated the subject was purchased for \$506,124 on July 31, 2012. The appellant supported this transaction with a settlement statement and indicated a broker was involved in this transaction and the parties were not related.

The board of review submitted its "Board of Review-Notes on Appeal" disclosing the total assessment for the subject of \$75,261. The subject's assessment reflects a market value of

\$752,610 when applying the 10% level of assessment as established by the Cook County Real Property Classification Ordinance. In support of the subject's assessment, the board of review submitted four equity comparables, each of which reflected sale data. The board of review's grid sheet also reflected the July 2012 sale of the subject for \$506,124. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant argued that the board of review's comparables were unadjusted and unverified.

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 recent purchase of the subject. This price is supported by the appraisal for the same market value. The subject's assessment reflects a market value above the best evidence of market value in the record. The Board finds the subject property had a market value of \$506,124 as of the assessment date at issue. The board of review failed to provide any evidence that the sale was not an arm's-length transaction. Since market value has been established the level of assessment for class 2 property of 10% as determined by the Cook County Real Property Classification Ordinance shall apply, per the appellant's request.

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

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: July 22, 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.