



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

APPELLANT: Leeron Travish
DOCKET NO.: 12-33645.001-R-1
PARCEL NO.: 13-15-131-029-1005

The parties of record before the Property Tax Appeal Board are Leeron Travish, 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 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: \$811
IMPR.: \$2,189
TOTAL: \$3,000

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 condominium dwelling of brick exterior construction with 550 square feet of living area. The condominium is 44 years old. The property has a 7,875 square foot site and is located in Chicago, Jefferson Township, Cook County. The subject is classified as a class 2-99 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 15, 2012 for a price of \$30,000. The appellant's evidence included a copy of the Multiple Listing Service (MLS) sheet and Settlement Statement for the subject property. 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 \$7,315. The subject's assessment reflects a market value of \$73,150 or \$133.00 per square foot of living area, land included, when using the level of assessments for class 2 property of 10% under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment, the board of review submitted a 2012 condominium assessment analysis for the subject property, which relied on three sales of condominiums that occurred in April 2006 and December 2012 for prices ranging from \$33,500 to \$177,000. The board of review's evidence included a brief, which revealed the subject's 2012 sale was a short sale, the property was the subject of a foreclosure proceeding prior to its sale and was a distressed sale.

The appellant submitted a rebuttal brief critiquing the board of review's submission. The appellant's rebuttal included two sales as evidence that were not included in the appellant's original appeal.

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.

As an initial matter regarding the two sales the appellant submitted under rebuttal that were not included in the appellant's original appeal, the Board finds it cannot consider this new evidence. Section 1910.66(c) of the Official Rules of the Property Tax Appeal Board states:

Rebuttal evidence shall not consist of new evidence such as an appraisal or **newly discovered comparable properties**. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence. (86 Ill.Adm.Code §1910.66(c)).

The Board finds the best evidence of market value to be the purchase of the subject property in May 2012 for a price of \$30,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant partially completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold by the owner and the property had been advertised on the open market with the Multiple Listing Service. In further support of the transaction the appellant submitted a copy of the MLS sheet, which revealed that the subject was listed in February 2012 for \$36,900, was reduced in March 2012 to \$33,000 and sold in May 2012 for \$30,000. Additionally, the appellant submitted the Settlement Statement, which disclosed the amount of Broker Fee's paid at closing. The Board finds the purchase price is below the market value reflected by the assessment. The Board further finds that the board of review's assertion that the subject's sale was not of an arm's length nature is not supported by the evidence in this record. Even though

the subject was a short sale and the subject of a foreclosure proceeding, the Board finds the subject was advertised on the real estate market and the transaction was reflective of market value. Finally, the Board finds the board of review submitted no direct evidence to support the assertion that the subject was sold under duress. The Board gave less weight to the board of review's 2012 condominium assessment analysis for the subject property, which relied on three sales of condominium units. Two of the sales occurred in April 2006 a date too remote in time from the January 1, 2012 assessment date at issue to be probative of the subject's market value. The remaining sale occurred in December 2012 for \$33,500, which supports the subject's sale price. Based on this record, the Board finds a reduction in the subject's assessment commensurate with the appellant's request is appropriate.

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: January 27, 2017



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.