



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

APPELLANT: Matthew Janko
DOCKET NO.: 12-33935.001-R-1
PARCEL NO.: 16-17-329-030-0000

The parties of record before the Property Tax Appeal Board are Matthew Janko, the appellant, by attorney Leonard Schiller, of Schiller Strauss & Lavin PC 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 **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: \$12,973
IMPR.: \$41,984
TOTAL: \$54,957

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 consists of a mixed-use property that is located in Oak Park, Oak Park Township, Cook County. The subject is classified as a class 3-18 mixed-use property under the Cook County Real Property Assessment Classification Ordinance.

The appellant submitted limited evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted various sale documents for a property located on West Roosevelt Road in Oak Park. The appeal petition depicts the subject's most recent sale occurred on November 17, 2011 for a price of \$250,000. The appellant failed to complete Section IV-Recent Sale Data of the appeal form, which would have identified the seller; if the sale involved family or related parties; or if the property was advertised, and if so, how long of a period. The appellant did submit the sales contract revealing a purchase price of \$310,000, an Escrow Trust Disbursement Statement

revealing a purchase price of \$278,702.86, a Real Estate Transfer Declaration revealing a full actual consideration of \$279,000 and a Special Warranty Deed. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$54,957. The subject's assessment reflects an estimated market value of \$549,570, when applying the ordinance level of assessment for class 3-18 property in Cook County of 10%. In support of the subject's assessment, the board of review submitted a copy of the subject's property record card (PRC). 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). National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). (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 gave little weight to the subject's sale due to the lack of information as to the length of time the property was exposed on the open market. The appellant failed to complete Section IV - Recent Sale Data of the appeal, which would have disclosed how the property had been advertised on the open market and the length of time the subject was marketed. The appellant submitted a copy of the sales contract revealing a purchase price of \$310,000, an Escrow Trust Disbursement Statement revealing a purchase price of \$278,702.86, a Real Estate Transfer Declaration revealing a full actual consideration of \$279,000 and a Special Warranty Deed, however, none of these documents discloses the length of market exposure, which is an important element of determining whether an arm's length transaction occurred. Furthermore, there is a conflict with information regarding the sale price of the subject. The Property Tax Appeal Board's appeal form requires Section IV be completed when arguing overvaluation based on a recent sale. As a result, the Board finds the appellant failed to produce sufficient credible evidence to challenge the correctness of the assessment.

As highlighted by the Appellate Court's opinion in Commonwealth Edison Co. v. Illinois Property Tax Appeal Board, 378 Ill.App.3d 901 (2nd Dist. 2008), it is the appellant or contesting party that has the burden of first producing sufficient evidence or argument to challenge the correctness of the assessment. Id. at 914. The Property Tax Appeal Board finds on this record that the appellant did not sustain its burden under Section 1910.63(b) which provides that:

Under the burden of going forward, the contesting party must provide substantive, documentary evidence or legal argument sufficient to challenge the correctness of the assessment of the subject property. Failure to do so will result in the dismissal of the appeal. (86 Ill.Admin.Code §1910.63(b)).

Based on this record, the Board finds the appellant's submission is insufficient to challenge the correctness of the assessment. As a result the Board finds the appellant failed to satisfy the burden of going forward with substantive, documentary evidence or legal argument sufficient to challenge the correctness of the assessment of the subject property as required by section 1910.63(b) of the rules of the Property Tax Appeal Board. (86 Ill.Admin.Code §1910.63(b)). Since the appellant did not meet this burden, no reduction in the subject's assessment is warranted.

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.