



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

APPELLANT: Hispanic Housing Development Corp
DOCKET NO.: 13-27679.001-R-1
PARCEL NO.: 32-20-311-006-0000

The parties of record before the Property Tax Appeal Board are Hispanic Housing Development Corp, the appellant(s), by attorney Timothy E. Moran, of Schmidt Salzman & Moran, Ltd 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: \$1,375
IMPR.: \$4,195
TOTAL: \$5,570

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 2013 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, single-family dwelling of frame construction construction with 1,380 square feet of building area. The dwelling was constructed in 1918. Features of the home include a full unfinished basement, a one and one-half car garage, and one bath. The property has a 5,000 square foot site and is located in Chicago Heights, Bloom Township, Cook County.

The appellant argued that the fair market value of the subject property was not accurately reflected in its assessed value as the basis of this appeal.

In support of the market value argument, the appellant's brief stated that the subject sold on October 16, 2013 for \$22,300. The appellant did not submit any evidence confirming the 2013 sale of subject or complete Section IV-Recent Sale Data of the Residential Appeal.

The appellant also contends assessment inequity as the basis of the appeal. In support of this argument the appellant submitted information on four equity comparables.

Appellant requested that the Board apply a 10% level of assessment as determined by the Cook County Real Property Classification Code.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$6,826. The subject's assessment reflects a market value of \$68,260 or \$49.46 per square foot of living area, land included, when using applying a 10% level of assessment as determined by the Cook County Real Property Classification Code. In addition, the subject property has an improvement assessment of \$5,451 or \$3.95 per square foot of living area.

In support of its contention of the correct assessment, the board of review submitted three equity comparables and sales data for each comparable. The board's evidence also confirms the subject's sale in October 2013 for \$23,300.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Illinois Supreme Court defined fair cash value as what the property would bring at voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d. 428 (1970). In addition, Section 1-50 of the Property Tax Code defines fair cash value as:

The 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 finds the subject's sale does not meet the fundamental requirements to be considered an arm's-length transaction reflective of fair cash value. The Board finds the appellant failed to submit any evidence showing that the subject was advertised or exposed for sale on the open market, and the parties were not related, or not sold in settlement of a foreclosure. Therefore, the subject's sale price was given little weight and is not considered indicative of the fair market value.

Illinois Courts has stated fair cash value is synonymous with fair market value and is defined as the price a willing buyer would pay a willing seller for the subject property, there being no collusion and neither party being under any compulsion. Ellsworth Grain Company v Property

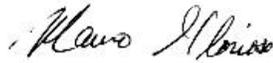
Tax Appeal Board, 172 Ill.App.3d 552, 526 (4th Dist. 1988). The appellant failed to submit any evidence suggesting that the subject's transaction was between a willing, knowledgeable buyer and seller and whether the transaction was advertised for sale in the open market and typical of the due course of business and trade.

The board further finds that the board of review submitted three comparables properties that support the subject's market value based on its assessment. Therefore, the Board finds that the subject is properly assessed and no reduction is warranted.

The taxpayer also contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did meet this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of assessment equity to be the board of review's comparables. These comparables had improvement assessments that ranged from \$2.66 to \$3.04 per square foot of living area. The subject's improvement assessment of \$3.95 per square foot of living area falls above the range established by the best comparables in this record. Based on this record, the Board finds the appellant did demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is justified.

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: November 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.