



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

APPELLANT: Susan Shabez
DOCKET NO.: 13-29739.001-R-1
PARCEL NO.: 12-25-423-047-1005

The parties of record before the Property Tax Appeal Board are Susan Shabez, the appellant(s), by attorney Joanne Elliott, of Elliott & Associates, P.C. in Des Plaines; 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: \$447
IMPR.: \$3,553
TOTAL: \$4,000

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 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 one unit in a eight unit condominium building. The subject's percentage of ownership is 10.222%. The property is a class 2-99 per the Cook County Real Property Classification Ordinance. The property has a 6,259 square foot site and is located in Elmwood Park, Leyden Township, Cook County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a copies of the real estate contract, earnest money check, special warranty deed, settlement statement, rental lease, and listing sheet confirming the sale of the subject on September 14, 2011 for \$40,000. In addition, the appellant confirmed in Section IV of the appeal the subject's sale date, price, transfer was not between related parties, a realtor was involved, and that the subject was advertised for sale for seven months. In further support of this argument, the appellant also submitted an appraisal estimating the subject property had a market value of \$50,000

as of February 24, 2012. Lastly, the appellant submitted a condominium sales analysis based on the sale of four units from 2011 to 2012 and concluded that the subject's assessment should be reduced to \$3,548.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$7,983. The subject's assessment reflects a market value of \$79,830 when using the 10% level of assessment for Cook County as determined by the Cook County Real Property Classification Ordinance.

In support of the assessment, the board of review submitted a condominium analysis prepared by Dan Michaelides, an analyst with the board of review. The analysis was based on the total consideration of the sale of one residential unit in the subject's condominium in 2013 for \$85,000. Dividing the total consideration by the percentage of interest of ownership in the condominium for the units that sold of 11.2500%, the analyst concluded a full value for the condominium property of \$75,556.

In rebuttal, the appellant's attorney confirmed the evidence previously submitted and distinguished the board of review's condominium analysis based on the number of 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 September 14, 2011 for \$40,000. The appellant provided evidence demonstrating the sale had the elements of arm's length transaction and in support of the transaction copies of the real estate contract, earnest money check, special warranty deed, settlement statement, rental lease, and listing sheet were submitted. Additionally, the board of review failed to provide any substantial evidence to challenge the arm's length nature of the transaction. Lastly, the appraisal submitted by the appellant were given diminished weight because "[a] contemporaneous sale between parties dealing at arm's length is not only relevant to the question of fair cash market value but would be practically conclusive on the issue of whether an assessment was at full value." Residential Real Estate Co. v. Prop. Tax Appeal Bd., 188 Ill.App.3d 232, 242 (5th Dist. 1989) (citing People ex rel. Korzen v. Belt Ry. Co. of Chicago, 37 Ill.2d 158 (1967)).

Based on this record the Board finds the subject property had a market value of \$40,000 as of January 1, 2013. Since market value has been determined, the level of assessments for class 2-11, residential property of 10% as determined by the Cook County Real Property 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: March 24, 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.