



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

APPELLANT: Mark Terrado
DOCKET NO.: 13-32663.001-R-1
PARCEL NO.: 13-29-219-022-0000

The parties of record before the Property Tax Appeal Board are Mark Terrado, the appellant(s), by attorney Stephanie Park, of Park & Longstreet, P.C. in Rolling Meadows; 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: \$3,720
IMPR.: \$16,280
TOTAL: \$20,000

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 is an 88 year-old, two-story dwelling of masonry construction containing 2,176 square feet of living area. Features of the home include a full unfinished basement and a two-car garage. The property has a 3,270 square foot site and is located in Jefferson Township, Cook County. The subject is classified as a Class 2 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 a brief disclosing the subject property was purchased on April 1, 2011 for a price of \$200,000. The appellant also submitted the Trustee's Deed, a copy of the Cook County Assessor's Office Sales Questionnaire, and an affidavit of the appellant. The appellant did not submit information in Section IV—Recent Sale Data of the Residential Appeal Petition. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the

purchase price when applying the 2013 level of assessment of 10.00% for Class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$22,978. The subject's assessment reflects a market value of \$229,780, or \$105.60 per square foot of living area, when applying the level of assessment of 10.00% for Class 2 property under the Cook County Real Property Assessment Classification Ordinance. In support of its contention of the correct assessment, the board of review submitted information on three suggested comparable sales and on the April 1, 2011 sale of the subject for the price of \$200,000.

In rebuttal, the appellant argued that since the Cook County Assessor reduced the 2014 assessment to \$20,000, the board of review is estopped by *res judicata* from arguing the 2013 sale was not an arm's-length transaction. The appellant also argued that the comparables submitted as evidence by the board of review should be given diminished weight because they were dissimilar to the subject in various key property characteristics. The appellant reaffirmed the request for an assessment reduction.

Conclusion of Law

The appellant argues in rebuttal that as a result of the purported 2014 assessment reduction, the claim for a reduction of the 2013 assessment is *res judicata*. The appellant has failed to cite any authority for the proposition that *res judicata* precludes due process for the board of review in the linear extension of the appeals process for the 2013 assessment because the Cook County Assessor may have reduced the assessment in a subsequent year. Moreover, just because factors may have warranted a reduction in 2014, does not mean they existed in 2013. See Moroney v. Illinois Property Tax Appeal Board, 2013 Ill.App. (1st) 120493. Accordingly, the Board finds the appellant's argument in rebuttal is without merit.

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 April 2011 for a price of \$200,000. The appellant provided evidence demonstrating the sale had the elements of an arm's-length transaction. Although the appellant failed to provide information in Section IV-Recent Sale Data of the appeal, the appellant attested that the parties to the transaction were not related and that the property had been advertised on the open market. In further support of the transaction, the appellant submitted a copy of the Trustee's Deed. The Board finds the board of review did not present any evidence to challenge the arm's-length nature of the transaction. Based on this record the Board finds the subject property had a market value of \$200,000 as of January 1, 2013 and that a reduction in the subject's assessment is justified. Since market value has been determined, the 2013 level of assessment of 10.00% for Class 2 property under the Cook County Real Property Assessment 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: February 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.