



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

APPELLANT: Tim Fields
DOCKET NO.: 13-33763.001-R-1
PARCEL NO.: 06-16-103-001-0000

The parties of record before the Property Tax Appeal Board are Tim Fields, the appellant, 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: \$26,836
IMPR.: \$15,664
TOTAL: \$42,500

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 dwelling of masonry exterior construction with 3,300 square feet of living area. The dwelling is approximately 16 years old. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a three-car garage. The property has a 56,497 square foot site and is located in Elgin, Hanover Township, Cook County. The subject is classified as a class 2-78 property under the Cook County Real Property Assessment Classification Ordinance

The appellant's attorney argued that the fair market value of the subject is not accurately reflected in its assessed value as the basis for this appeal. The appellant contends the subject's recent sale best reflects the subject's market value. The appellant provided evidence that the subject sold on April 4, 2011, for a sale price of \$425,000 and the property had been advertised for sale for a period of 87 days as set forth in Section IV-Recent Sale Data of the appeal petition.

To document the sale the appellant submitted a copy of the Settlement Statement and the Multiple Listing Service sheet. To support the assertions for the overvaluation argument, the appellant submitted three comparable properties with the same neighborhood assessment code as the subject property. The comparables consist of two-story dwellings of cedar, frame or frame and masonry exterior construction that are 25 years old. The comparables had features with varying degrees of similarity when compared to the subject. The dwellings range in size from 2,810 to 3,092 square feet of living area and are situated on sites ranging in size from 40,031 to 50,335 square feet of land area. The comparables sold from July 2012 to August 2013 for prices ranging from \$275,000 to \$400,000 or from \$97.86 to \$129.37 per square foot of living area including land. 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 \$45,976. The subject's assessment reflects a market value of \$459,760 or \$139.32 per square foot of living area, land included, when applying the 10% level of assessment for class 2 residential property pursuant to the Cook County Real Property Assessment Classification Ordinance. In support of the subject's assessment, the board of review submitted information on four comparables with the same neighborhood assessment code as the subject property. The comparables consists of two-story dwellings of frame exterior construction that are 16 or 18 years old. The comparables had features with varying degrees of similarity when compared to the subject. The dwellings range in size from 2,385 to 3,513 square feet of living area and are situated on sites ranging in size from 10,120 to 18,771 square feet of land area. These comparables sold from May 2010 to June 2013 for prices ranging from \$436,489 to \$475,000 or from \$128.66 to \$183.01 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant asserted the board of review's evidence is based on "raw and unconfirmed" comparable sales data.

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 meet this burden of proof and a reduction in the subject's assessment is warranted.

The parties submitted seven comparable sales along with data on the sale of the subject for the Board's consideration. The Board gave less weight to the purchase of the subject property due to its older sale date in 2011. The Board gave less weight to the appellant's comparable #1 due to its smaller dwelling size and dissimilar design when compared to the subject property. The Board gave less weight to the board of review's comparables due to their smaller lot size when compared to the subject property. The Board finds the best evidence of market value in the record to be the appellant's comparables #2 and #3. These comparables are more similar in location, age, design, dwelling size and features. These comparables sold for \$320,000 or \$400,000 or \$107.74 or \$129.37 per square foot of living area including land. The subject's

assessment reflects an estimated market value of \$459,760 or \$139.32 per square foot of living area including land which falls above the best sales comparables in this record. Based on this record the Board finds the subject's assessment is not reflective of market value 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.