



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

APPELLANT: Laimun Mui
DOCKET NO.: 13-35145.001-R-1
PARCEL NO.: 17-33-423-023-4009

The parties of record before the Property Tax Appeal Board are Laimun Mui, the appellant(s), by attorney Christopher G. Walsh, Jr., Attorney at Law 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: \$955
IMPR.: \$8,155
TOTAL: \$9,110

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 a residential condominium unit contained in a four year-old, residential condominium development of masonry construction. The subject, designated by Property Index Number 4009, consists of 1.635% of the common elements of the condominium development. The property has a 22,908 square foot site located in South Chicago Township, Cook County. The subject is classified as a Class 2-99 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 arguing that Section 16-185 of the Property Tax Code (35 ILCS 200/16-185), permits a rollover of a prior decision of the Board reducing the subject's assessment, even where there is no evidence that the subject was owner occupied. A copy of that decision, docket #12-31192.001-R-1, was appended to the brief. Therein, the Board reduced the assessment for the

2012 tax lien year to \$9,110. The appellant also submitted the Real Property Transfer Tax Declaration (hereinafter, "Tax Declaration") disclosing: that the subject property was purchased on March 28, 2012 for \$91,100; that the subject was advertised for sale; and that the subject was not the buyer's principal place of residence. The appellant also submitted an affidavit of the owner/appellant attesting that she subject was advertised by and purchased through the services of a realtor. The appellant provided information in Section IV–Recent Sale Data of the Residential Appeal that the subject was advertised and sold by a realtor, and that the transaction was in settlement of a contract for deed. 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 \$20,942. The subject's assessment reflects a market value of \$209,420 when applying the 2013 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 a condominium analysis with information on suggested comparable sales for five units in the building which sold from 2009 through 2013 for a total consideration of \$897,500. The board of review applied a 2.00% market value reduction for personal property to arrive at an adjusted market value of \$879,550 of the five units sold. The board of review disclosed the units sold consisted of 6.9030% of all units in the building. The result was a full value of the property at \$12,741,562. Since the subject was 1.635% of all the units, the board of review suggested the market value of the subject to be \$208,325.

Conclusion

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 appellant's argument requesting a rollover of the Board's prior decision is without merit. The appellant did not submit any authority that the rollover statute does not limit application to owner occupied properties. However, a plain reading of the statute suffices to dispose of this issue.

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which **a residence occupied by the owner** is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the

Property Tax Appeal Board is reversed or modified upon review. [Emphasis added]

35 ILCS 200/16-185. The appellant's own evidence, the Tax Declaration, disclosed that the subject was not the principal residence.

The Board finds the best evidence of market value to be the purchase of the subject property in March 2012 for \$91,100. The appellant provided evidence demonstrating the sale had the elements of an arm's-length transaction. The appellant provided information in Section IV-Recent Sale Data of the appeal that the property was sold using a Realtor, and that the property had been advertised on the open market with the Multiple Listing Service. In further support of the transaction, the appellant submitted a copy of the Tax Declaration and an affidavit of the appellant. The Board finds the board of review did not present any evidence to challenge the arm's-length nature of the transaction. The Board finds the purchase price was below the market value reflected by the assessment. Based on this record, the Board finds the subject property had a market value of \$91,100 as of January 1, 2012, and that a reduction in the subject's assessment is justified. Since market value has been determined, the 2012 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. Pursuant to Section 1910.50(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



Acting Member



Member



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: October 20, 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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

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