



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

APPELLANT: Anthony Zenez
DOCKET NO.: 14-34591.001-R-1
PARCEL NO.: 12-23-200-021-0000

The parties of record before the Property Tax Appeal Board are Anthony Zenez, the appellant(s); 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: \$3,450
IMPR.: \$5,050
TOTAL: \$8,500

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 16-185 of the Property Tax Code (35 ILCS 200/16-185) challenging the assessment for the 2014 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 3,450 square foot parcel of land improved with an 53-year old, one and one-half story, frame, single-family dwelling containing 748 square feet of building area. The property is located in Jefferson Township, Cook County and is classified as a class 2-02 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on overvaluation. In support of the overvaluation argument, the appellant submitted the escrow trust disbursement statement and multiple listing database printout disclosing that the subject sold in June 2013 for a purchase price of \$85,000. The database printout disclosed that the property was listed on the open market for three days.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$15,482. The subject's assessment reflects a market value of

\$154,820 when using the level of assessment for class 2 property of 10% 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 four sales comparables. In addition, the board of review submitted a brief asserting that, because the subject's sale was an estate sale, the sale price is not at market value. To support this argument, the board of review submitted a Property Tax Appeal Board Decision (Board) and a court case addressing short and foreclosure sales.

At hearing, the appellant, Anthony Zenez, testified that he was a real estate agent at the time he purchased the subject and was trying to enter the rental market. He testified he found the listing on the MLS, contacted the listing agent and was given the number of the tenant to schedule an appointment to view the property. Mr. Zenez testified he made an offer for the purchase of the property and this offer was excepted.

In describing the subject, Mr. Zenez testified that the subject has no basement, but a crawl space, and has two bedrooms. He described the subject as outdated and in need of rehabilitation. He testified that the subject has not had any upgrades or repairs and looks like a 1960s home. He testified that the siding blew off one side of the building during a storm and he nailed to siding back on.

In response to questions regarding the purchase of the subject, Mr. Zenez testified that he did not know the sellers, did not know the tenants, and had no previous or personal relationship with the seller's real estate agent.

The board of review's representative, William Grossi, testified that the sale of the subject was an estate sale and opined that this made the sale not at market value. He asserted that the four comparables submitted by the board have sale prices above the subject's market value based on the current assessment.

In response to questions regarding the board of review's submission of caselaw and other Board decisions, Mr. Grossi testified that he did not prepare the evidence and that these documents refer to short and foreclosure sales and are not relevant to the subject's estate sale.

In rebuttal, Mr. Zenez asserted that the board of review's comparables are not similar to the subject in that they are all masonry buildings, are larger in size, contain full basements, one and one-half to two-car garages and, in his opinion, are nicer than the subject and have a higher market value. He reiterated that the subject is outdated and in need of rehabilitation.

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 best evidence of market value to be the purchase of the subject property in June 2013 for a price of \$85,000. The appellant provided evidence demonstrating the sale of the subject and that it was listed on the open market. The Board gives little weight to the board of review's argument that simply because the subject is an estate sale, the property sold below market value. The Board finds the subject was listed on the open market, the parties to the sale did not have a relationship, and the final sale price was higher than the offer requested by the seller. Therefore, the Board finds the subject's sale was an arm's length transaction by a buyer and seller willing to buy and sell, but not compelled to do so. Based on this record the Board finds the subject property had a market value of \$85,000 as of the lien date and that the level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10% 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: February 20, 2018



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

AGENCY

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Anthony Zenez
4101 N. Mobile Avenue
Chicago, IL 60634

COUNTY

Cook County Board of Review
County Building, Room 601
118 North Clark Street
Chicago, IL 60602