



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

APPELLANT: Mudasir Arby
DOCKET NO.: 15-24724.001-R-1
PARCEL NO.: 03-36-310-016-0000

The parties of record before the Property Tax Appeal Board are Mudasir Arby, the appellant, by attorney Timothy E. Moran of Schmidt Salzman & Moran, Ltd. 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 **No Change** 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: \$6,930
IMPR.: \$39,499
TOTAL: \$46,429

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 2015 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 is improved with a two-story dwelling of frame and masonry construction with 3,340 square feet of living area. The dwelling is approximately 22 years old. Features of the home include a partial unfinished basement, central air conditioning, one fireplace and a two-car garage. The property has an 11,088 square foot site and is located in Des Plaines, Wheeling 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 appeal is based in part on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on July 19, 2013 for a price of \$400,000. The appellant partially completed Section IV – Recent Sale Data of the appeal disclosing the seller was the Federal Home Mortgage Association. The appellant also provided a copy of the settlement statement identifying the seller as the Federal Home Loan

Mortgage Association and further indicated that broker fees were paid. Based on this evidence, the appellant requested the subject's assessment be reduced to \$40,000 to reflect the purchase price.

Alternatively, the appellant contends assessment inequity as the basis of the appeal. In support of this argument the appellant provided information on five equity comparables improved with two-story dwellings of frame, masonry or frame and masonry construction that range in size from 3,142 to 3,400 square feet of living area. The dwellings range in age from 16 to 26 years old. Four comparables have a full or partial unfinished basement, each comparable has central air conditioning, each comparable has one fireplace and each comparable has a two-car or a three-car garage. Each comparable has a different assessment neighborhood code than the subject property. These properties have improvement assessments ranging from \$29,763 to \$38,525 or from \$9.00 to \$11.33 per square foot of living area. Based on these comparables the appellant requested the subject's improvement assessment be reduced to \$32,815 or \$9.82 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$46,429. The subject's assessment reflects a market value of \$464,290 when using the Cook County Real Property Assessment Classification Ordinance level of assessments for class 2-78 property of 10%.

In support of its contention of the correct assessment the board of review submitted information on three comparables improved with two-story dwellings of frame and masonry construction that have either 3,002 or 3,255 square feet of living area. Each dwelling is 22 years old and has a full unfinished basement, central air conditioning, one fireplace and a two-car or a three-car garage. Each comparable has the same assessment neighborhood code as the subject property and one comparable is located along the same street and within the same block as the subject property. The comparables have improvement assessments ranging from \$37,975 to \$39,385 or from \$11.85 to \$12.65 per square foot of living area.

Conclusion of Law

The appellant contends in part 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 not meet this burden of proof and a reduction in the subject's assessment is not warranted on this basis.

Although the appellant reported the subject property sold in July 2013 for a price of \$400,000, the appellant did not provide any substantive documentation to demonstrate the sale was an arm's length transaction reflective of fair cash value. The appellant did not fully complete Section IV – Recent Sale Data of the appeal which would have provided information with respect to how long the property was exposed to the market and whether either of the parties was under any compulsion to complete the transaction. The settlement statement did identify the seller as the Federal Home Loan Mortgage Association, a government entity, which calls into question the

arm's length nature of the purchase and whether the seller was under compulsion to complete the transaction. Furthermore, the appellant did not provide a copy of the sales contract, real estate transfer declaration, and/or the listing, which would have provided the Property Tax Appeal Board with the additional documentation to aid in the determination of whether the sale was an arm's length transaction. Additionally, the sale occurred approximate 18 months prior to the assessment date which also calls into question whether the purchase price is reflective of fair cash value as of January 1, 2015. For these reasons the Property Tax Appeal Board finds the appellant failed to satisfy the burden of going forward to challenge the correctness of the assessment based on overvaluation due to the sale. 86 Ill.Admin.Code §1910.63(b).

As an alternative argument the appellant contends assessment equity with respect to the improvement as a basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments by clear and convincing evidence. 86 Ill.Admin.Code 1910.63(e). After an analysis of the assessment data, the Board finds the appellant has not met this burden and a reduction in the assessment is not warranted on this basis.

The record contains eight comparables submitted by the parties to support their respective positions. The Board finds the best comparables in the record are the comparables submitted by the board of review. The comparables provided by the board of review appear to be more similar to the subject property in location due to having the same neighborhood code as the subject property and having more similar property index numbers as the subject property. These comparables were also like the subject property in style, size, age and features. The board of review comparables have improvement assessments that range from \$11.85 to \$12.65 per square foot of living area. The subject's improvement assessment of \$11.83 per square foot of living area falls below the range established by the board of review comparables. The Board gave less weight to the appellant's comparables as one has a different and inferior crawl space foundation than the subject property and due to location. Based on this record the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement assessment was inequitable and a reduction in the subject's assessment is not justified on this basis.

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(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) 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



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:

April 17, 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

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