



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

APPELLANT: Oscar Patino  
DOCKET NO.: 15-28192.001-R-1  
PARCEL NO.: 24-03-127-007-0000

The parties of record before the Property Tax Appeal Board are Oscar Patino, the appellant, by Jessica Hill-Magiera, Attorney at Law, in Lake Zurich; 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:** \$1,600  
**IMPR.:** \$3,900  
**TOTAL:** \$5,500

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 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 property consists of a one-story frame dwelling that has 744 square feet of living area. The dwelling was constructed in 1954. The home features central air conditioning. The subject has a 4,000 square foot site. The subject is a Class 2-95 property as provided by the Cook County Real Property Assessment Classification Ordinance. The subject is one-half of a duplex. The subject property is located in Worth Township, Cook County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted copies of the settlement statement and Multiple Listing Service sheet (MLS) associated with the subject's sale. The evidence shows the subject property sold in September 2015 for \$55,000. The appellant completed Section IV of the residential appeal petition disclosing the parties to the transaction were not family or related corporations and the property was advertised for sale in the open market. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$9,393. The subject's assessment reflects an estimated market value of \$93,930 or \$126.25 per square foot of living area including land when applying the Cook County Real Property Assessment Classification Ordinance level of assessment for Class 2 property of 10%.

In support of the subject's assessment, the board of review submitted an analysis of three comparable sales.<sup>1</sup> The comparables had varying degrees of similarity when compared to the subject. They sold from June 2013 to September 2013 for prices ranging from \$60,000 to \$80,000 or from \$65.79 to \$107.53 per square foot of living area including land. Based on this evidence, the board of review offered to reduce the subject's assessment to \$7,066, which reflects an estimated market value of \$70,660 or \$94.97 per square foot of living area including land

The appellant was notified of this suggested agreement and given thirty (30) days to respond if the offer was not acceptable. The appellant responded to the Property Tax Appeal Board by the established deadline rejecting the proposed assessment.

### **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 met this burden of proof.

The Board gave less weight to the comparables sales submitted by the board of review. The Board finds these sales occurred in 2013, which are dated and less indicative of market value as of the subject's January 1, 2015 assessment date.

The Board finds the best evidence of market value contained in this record is the sale of the subject property in September 2015 for \$55,000. The Board finds the subject's sale meets the fundamental elements of an arm's-length transaction. The buyer and seller were not related and the subject property was exposed to the open market. The Board finds there is no direct evidence the parties were under duress or compelled to buy or sell. The Illinois Supreme Court has defined fair cash value as what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d. 428, (1970). A contemporaneous sale of two parties dealing at arm's-length is not only relevant to the question of fair cash value but is practically conclusive on the issue of whether an assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). The subject's assessment reflects an estimated market value of \$93,930, which is more than its recent sale price of \$55,000. The Board finds the board of review did not address nor

---

<sup>1</sup> The board of review submitted assessment equity evidence to demonstrate the subject property was uniformly assessed. The Board finds the assessment equity evidence fails to address the overvaluation argument raised by the taxpayer.

present any evidence to refute the subject's sale price or that would demonstrate the subject's sale was not an arm's-length transaction.

Based on the evidence contained in this record, the Board finds the appellant demonstrated the subject property was overvalued by a preponderance of the evidence. Therefore, a reduction in the subject's assessment is warranted commensurate with the appellant's request.



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.