



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

APPELLANT: Mark & Denise Panek
DOCKET NO.: 15-28562.001-R-1
PARCEL NO.: 15-08-233-057-0000

The parties of record before the Property Tax Appeal Board are Mark & Denise Panek, the appellant(s), by attorney 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 **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: \$ 1,417
IMPR.: \$ 6,520
TOTAL: \$ 7,937

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 (the "Board") finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject consists of a one-story dwelling of masonry construction with 956 square feet of living area. The dwelling is 72 years old. Features of the home include a full unfinished basement and a two-car garage. The property has a 3,150 square foot site, and is located in Bellwood, Proviso Township, Cook County. The subject is classified as a class 2-10 property under the Cook County Real Property Assessment Classification Ordinance. No evidence was submitted as to whether the subject is owner occupied.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on August 12, 2014 for a price of \$26,000. Section IV – Recent Sale Data of the Residential Appeal form states that the subject was sold by the owner, and that it was advertised via a “[s]ign, internet, and/or

auction[.]” The settlement statement submitted by the appellant shows that no real estate broker fees were paid by either party. At the top of the settlement statement is a handwritten note stating, “was on website firstnationalassets.com[.]” Based on this evidence, the appellant requested a reduction in the subject's assessment to 10.00% of the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$7,937. The subject's assessment reflects a market value of \$79,370, or \$83.02 per square foot of living area, including land, when applying the 2015 statutory level of assessment for class 2 property of 10.00% 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 equity comparables and four sale comparables. These comparables sold between April 2013 and November 2013 for \$80,000 to \$95,000, or \$82.82 to \$102.15 per square foot of living area, including land. The board of review also submitted a supplemental brief arguing that the subject was not advertised for sale on the open market, and, therefore, the sale was not an arm's-length transaction.

In written rebuttal, the appellant argues that the subject was advertised on the open market, and cites the handwritten note at the top of the settlement statement as evidence in support of this assertion.

At hearing, both parties reaffirmed the evidence previously submitted. Counsel for the appellant also stated that the sale of the subject was pursuant to a foreclosure. In oral rebuttal, counsel for the appellant argued that the board of review's comparables were not similar to the subject for various reasons.

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 not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds that the sale of the subject in August 2014 was not an arm's-length transaction. The appellant provided no evidence to show that the sale of the subject was an arm's-length transaction, other than a handwritten note at the top of the settlement statement. The Board finds this statement to be hearsay, and, therefore, inadmissible as proof of the matter asserted (i.e., that the subject was advertised for sale on the open market via the website firstnationalassets.com). See 86 Ill.Admin.Code §1910.90(g) (“The Property Tax Appeal Board or its designated Hearing Officer may exclude inadmissible evidence upon its own motion.”). Additionally, the settlement statement submitted by the appellant states that no brokers' commissions were paid, indicating that no brokers were involved in the sale of the subject. Based on this record, the Board finds that the appellant has not proven, by a preponderance of the evidence, that the sale of the subject in August 2014 was an arm's-length transaction, and, therefore, this sale is given no weight in

the Board's analysis. Since there is no other market value evidence proffered by the appellant, the Board finds that a reduction is not warranted.

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

AGENCY

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