



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

APPELLANT: Olivia Lopez
DOCKET NO.: 15-32825.001-R-1
PARCEL NO.: 17-31-423-005-0000

The parties of record before the Property Tax Appeal Board are Olivia Lopez, 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: \$5,312
IMPR.: \$6,188
TOTAL: \$11,500

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 is a 117 year-old, two-story dwelling of masonry construction. The parties differed as to the square footage of the living area. The property has a 3,125 square foot site located in Chicago, South Chicago Township, Cook County. The record does not disclose whether the subject was owner-occupied in the lien year. The subject is classified as a Class 2 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 settlement statement and an Escrow Receipt and Disbursement Authorization signed by buyers, sellers and a settlement agent for Chicago Title Insurance Company. The settlement statement disclosed the subject property was purchased on July 1, 2013 for \$115,000. The

appellant provided information in Section IV–Recent Sale Data of the Residential Appeal that the subject was not transferred between related parties, was advertised and sold by a realtor, and was sold in settlement of a contract for deed. The appellant also stated the subject contained 1,638 square feet of living area. Based on this living area size, the subject's sale price reflects a market value of \$70.21 per square foot of living area including land. The appellant also submitted the board of review final 2015 assessment decision disclosing the subject's total assessment of \$30,832. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price when applying the 2015 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 \$19,038. The Assessment Equity Grid Analysis disclosed the subject contained 1,302 square feet of living area. In support of its contention of the correct assessment, the board of review submitted information on eight suggested comparable sales. The board of review also cited a September 2013 sale of the subject for \$168,000.

At hearing, the appellant and board of review stipulated: 1) that the subject contained two improvements of unknown living area, but that the total living area of the subject's improvements was 1,638 square feet; 2) that no recorded documentation of a sale of the subject in September 2013 could be found; and 3) that the total assessment of the subject was \$30,832 rather than \$19,038 as cited by the board of review in its Grid Analysis. Based on these stipulations, the subject had a market value of \$188.23 per square foot of living area including land, as reflected by the total assessment of \$30,832.

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 this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the purchase of the subject property in July 2013 for \$115,000. 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 parties to the transaction were not related, that the property was sold using a Realtor, and that the property had been advertised on the open market. In further support of the transaction, the appellant submitted a copy of the settlement statement and the escrow and disbursement authorization. The Board finds the board of review did not present any evidence to challenge the arm's-length nature of the transaction. Based on the living area size of 1,638 square feet, the subject's sale price reflects a market value of \$70.21 per square foot of living area including land. The Board finds the purchase price was below the market value of \$188.23 per square foot of living area including land, as reflected by the assessment.

Based on this record, the Board finds the subject property had a market value of \$115,000 as of January 1, 2015, and that a reduction in the subject's assessment is justified. Since market value has been determined, the 2015 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(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: March 19, 2019



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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