



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

APPELLANT: Jalpa Thakkar  
DOCKET NO.: 16-37599.001-R-1  
PARCEL NO.: 06-26-360-002-0000

The parties of record before the Property Tax Appeal Board are Jalpa Thakkar, the appellant(s), by attorney Edward P. Larkin, Attorney at Law in Des Plaines; 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:** \$ 1,218  
**IMPR.:** \$ 6,858  
**TOTAL:** \$ 8,076

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 2016 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 two-story dwelling of frame and masonry construction with 1,043 square feet of living area. The dwelling is 47 years old. Features of the home include a full basement with a formal recreation room and central air conditioning. The property has a 1,160 square foot site, and is located in Streamwood, Hanover Township, Cook County. The subject is classified as a class 2-95 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 19, 2015 for a price of \$80,764, or \$77.43 per square foot of living area, including land. The settlement

statement submitted by the appellant states that the seller was Household Finance Corporation. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$7,673.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$12,170. The subject's assessment reflects a market value of \$121,700, or \$116.68 per square foot of living area, including land, when applying the 2016 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 three equity comparables and three sale comparables. These comparables sold between October 2014 and April 2016 for \$121,000 to \$175,000, or \$117.02 to \$124.47 per square foot of living area, including land. The board of review also submitted a supplemental brief arguing that the August 2015 sale of the subject was a compulsory sale, and therefore, the sale was not an arm's length transaction and the sale price does not represent the subject's fair cash value. In support of this argument, the board of review submitted a printout from the Cook County Recorder of Deeds' website showing that Household Finance Corporation conveyed the subject to the appellant via a special warranty deed filed on December 10, 2015. The board of review also submitted a copy of FirstMerit Bank N.A. v. Bridgeview Bank, 2016 IL App (2d) 150364-U. The board of review asserts that this case stands for the proposition that:

[w]here the plaintiff in the foreclosure action is the high bidder at the judicial sale of the foreclosed property, the transaction is not an arm's-length transaction. Thus, although the price paid by a willing buyer to a willing seller is generally a sound indication of an item's value when the sale is at arm's length—see Walsh v. Property Tax Appeal Board, 181 Ill.2d 228, 230 (1998)—it would be error to use this measure in a situation in which the plaintiff controlled both the offer and the acceptance and thus could set any price it liked.

Id. at ¶ 39. The board of review also cited a previous decision of the Board in support of this argument.

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

First, the Board finds that it is not bound by its previous decision cited by the board of review. In Board of Educ. of Ridgeland School Dist. No. 122, Cook County v. Property Tax Appeal Bd., 2012 IL App (1st) 110461, ¶ 33, the intervenor school district argued that the Board accepted certain evidence in one appeal to the Board, but not in another allegedly similar appeal. Id. at ¶ 32. In finding that this practice was not erroneous, the appellate court looked to the Board's statutory authority: "The Board shall make a decision in each appeal or case appealed to it, and

the decision shall be based upon equity and the weight of evidence and not upon constructive fraud, and shall be binding upon appellant and officials of government. 35 ILCS 200/16-185.” Id. at ¶ 33. Thus, “each decision by the [Board] is necessarily fact specific and based upon the particular record of each case.” Id. As each decision by the Board is necessarily fact specific, the Board is not bound by its previous decision cited to by the board of review, and gives it no weight in this analysis.

The Board finds the best evidence of market value to be the purchase of the subject property in August 2015 for a price of \$80,764. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction, including disclosing that the parties to the transaction were not related and that the property was sold using a real estate broker. In further support of the transaction, the appellants submitted the settlement statement. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds that the board of review's argument that the sale of the subject was a compulsory sale is without merit. The printout from the Cook County Recorder of Deeds' website, submitted by the board of review, shows that there was no *lis pendens* filed on the subject at any time prior to the August 2015 sale transaction. Based on this record the Board finds the subject property had a market value of \$80,764 as of January 1, 2016. Since market value has been determined the 2016 statutory level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10.00% shall apply. 86 Ill.Admin.Code §1910.50(c)(2).

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 21, 2020



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

Jalpa Thakkar, by attorney:  
Edward P. Larkin  
Attorney at Law  
1645 South River Road  
Suite 24  
Des Plaines, IL 60018

COUNTY

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