



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

APPELLANT: Nick Acino
DOCKET NO.: 17-27319.001-R-1
PARCEL NO.: 08-29-303-017-0000

The parties of record before the Property Tax Appeal Board are Nick Acino, the appellant(s), by attorney Joanne Elliott, of Elliott & Associates, P.C. 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 **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: \$ 9,135
IMPR.: \$ 32,221
TOTAL: \$ 41,356

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 2017 tax year. The Property Tax Appeal Board (the "Board") finds that it has jurisdiction over the parties and the subject matter of this appeal.

Findings of Fact

The subject consists of a two-story dwelling of frame and masonry construction with 2,454 square feet of living area. The dwelling is 39 years old. Features of the home include a partial unfinished basement, central air conditioning, a fireplace, and a two-car garage. The property's site is 17,400 square feet, and it is located in Elk Grove Township, Cook County. The subject is classified as a class 2-78 property under the Cook County Real Property Assessment Classification Ordinance.

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 July 28, 2016 for a price of \$387,000. The appellant submitted the sales questionnaire which was previously submitted to the Cook County Assessor, wherein the appellant stated that the subject is owner-occupied. In Section IV – Recent Sale Data of the appeal form, the appellant stated that

the subject was sold by the owner. The real estate sale contract submitted by the appellant states that there were no real estate brokers involved in the transaction. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$38,700.

The board of review submitted its "Board of Review Notes on Appeal" disclosing that the total assessment for the subject is \$41,356. The subject's assessment reflects a market value of \$413,560, or \$168.52 per square foot of living area, including land, when applying the 2017 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 three sale comparables. These sale comparables sold from August 2016 to December 2016 for \$412,000 to \$558,000, or \$135.30 to \$211.93 per square foot of living area, including land. The board of review's evidence also states that the subject was purchased in July 2016 for \$387,000.

In rebuttal, the appellant argued that the board of review's sale comparables were "raw and unadjusted," and, as such, should be given no weight by the Board.

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 proven 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 July 2016 for \$387,000 was not an arm's-length transaction. In Section IV – Recent Sale Data of the appeal form, the appellant stated that the subject was sold by the owner, which indicates that there were no real estate broker's involved in the sale. Moreover, the real estate sale contract submitted by the appellant states that there were no real estate brokers involved in the transaction. Moreover, there is no evidence in the record to show that the subject was advertised for sale on the open market. These conditions call into question the arm's-length nature of the transaction. As such, the Board finds that the appellant has not proven, by a preponderance of the evidence, that the subject is overvalued, and that a reduction in the subject's assessment 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: June 8, 2021



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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