



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

APPELLANT: Daniel McCarthy
DOCKET NO.: 17-41336.001-R-1
PARCEL NO.: 07-30-420-015-0000

The parties of record before the Property Tax Appeal Board are Daniel McCarthy, 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 **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: \$ 2,657
IMPR.: \$ 9,651
TOTAL: \$12,308

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 the appeal.

Findings of Fact

The subject property consists of a two-story dwelling of frame construction with 1,173 square feet of living area. The dwelling is 38 years old. The property is situated on a parcel of land with 2,169 square feet, and is located in Schaumburg Township, Cook County. The subject is classified as a class 2-95 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 evidence disclosing the subject property was transferred to the appellant from Michael Bushman on August 22, 2017 for a price of \$78,000, or \$66.50 per square foot, including land, in a cash transaction. The evidence indicated the subject was sold "by owner" and it is unknown how long the property was advertised for sale. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

In support of its contention of the correct assessment, the board of review submitted Notes on Appeal indicating the subject's current assessed value is \$12,308. The subject's assessment reflects a market value of \$123,080, or \$104.93 per square foot of living area, including land, when applying the statutory level of assessment for class 2 property of 10% under the Cook County Real Property Assessment Classification Ordinance.

The board of review also submitted information on four sale comparables, each of which reflected equity data. The comparables sold between March 2016 and August 2016 for sale prices ranging from \$107.20 to \$139.24 per square foot, including land.

Additionally, the board of review submitted a "deed trail" and a memorandum arguing that the subject's sale was compulsory. The board of review submitted a second memorandum and "deed trail" indicating the subject subsequently sold in November 2018 for \$199,000 which the appellant failed to disclose. Based on this evidence, the board requested an increase in the subject's 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

Initially, the Board does not find evidence to support the board of review's contention that this sale is compulsory. The initial "deed trail" is not supportive of this contention. The Board also finds that the second "deed trail" does not disclose enough information regarding the circumstances surrounding the sale to warrant an assessment increase. Accordingly, the board of review's request for an assessment increase is denied.

However, the Board finds that the subject's sale as reported by the appellant does not have the elements of an arm's length transaction as it was not advertised or exposed on the open market as the property was sold "by owner." No other evidence regarding the circumstances surrounding the sale was provided by the appellant. Additionally, the board of review provided four sale comparables that were located in the subject's neighborhood and sold at times proximate to the valuation date. These comparables sold for prices ranging from \$107.20 to \$139.24 per square foot, including land. The subject's assessment reflects a market value of \$104.93 per square foot of living area, including land, while its purchase price reflects a market value of \$66.50 per square foot of living area, including land. Both of these values are below the range of the best comparables contained in the record. As the appellant failed to submit any sale comparables to demonstrate that the sale was at market value, the Board finds that a reduction in the subject's assessment is not justified

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: November 16, 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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