



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

APPELLANT: Papa Faye
DOCKET NO.: 17-43745.001-R-1 through 17-43745.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Papa Faye, the appellant, by attorney Glenn S. Guttman, of Rieff Schramm Kanter & Guttman 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
17-43745.001-R-1	10-35-317-035-0000	3,580	14,420	\$18,000
17-43745.002-R-1	10-35-317-036-0000	3,580	14,420	\$18,000

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 finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of two parcels improved with a multi-level dwelling of frame and masonry construction containing 1,884 square feet of living area. The dwelling is approximately 60 years old. Features of the home include a partially finished basement, central air conditioning, and a 2-car garage. The property has a combined land area of 8,184 square feet and is located in Lincolnwood, Niles Township, Cook County. The subject is classified as a class 2-34 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on overvaluation and inequity in assessment with regard to the improvement. The subject's land assessment was not contested. In support of the overvaluation argument, the appellant completed Section IV - Recent Sale Data of the appeal petition disclosing the subject property was purchased on February 10, 2017 for a price of \$360,000. The appellant further disclosed that the subject was purchased from Harmishkumar and Tarlaben

Parikh; the sale was not a transfer between family or related corporations; the transaction involved a realtor; the property was advertised for sale via Multiple Listing Service (MLS) for 88 days; and the seller's mortgage was not assumed. To document the sale, the appellant submitted a copy of the Warranty Deed associated with the sale and a copy of the "Sales Questionnaire" from the Cook County Assessor's Office confirming the details of the sale including the purchase price, date of purchase, current and intended use, that no renovations were done prior to the sale, and that the purchase was not following a foreclosure. The appellant also submitted a copy of the proof of water service charges from the Village of Lincolnwood and "Property Detail" sheets regarding the subject property.

In support of the inequity in improvement assessment argument, the appellant provided information on eight comparable properties that were located within the same neighborhood as the subject property. The comparables consist of multi-level dwellings of masonry or frame and masonry exterior construction ranging in age from 50 to 61 years old. The dwellings range in size from 1,265 to 1,986 square feet of living area. Each comparable features a partially finished basement; seven comparables each have central air conditioning; three comparables each have a fireplace; and six comparables have either a 1.5-car or a 2-car garage. The comparables have improvement assessments that range from \$20,083 to \$29,989 or from \$15.10 to \$16.04 per square foot of living area.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" with reference to only parcel 10-35-317-035-0000. The board of review did not submit its "Board of Review Notes on Appeal" nor any evidence with regard to the second parcel 10-35-317-036-0000. The final decision of the Cook County Board of Review which was submitted as part of the appellant's evidence revealed that each of the two subject parcels had land and improvement combined assessment of \$20,081 for a total assessment for both parcels amounting to \$40,162. The subject's assessment reflects a market value of \$401,620 or \$213.17 per square foot of living area, including land, when applying the 10% level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance. The subject has a combined improvement assessment for both parcels of \$33,002 or \$17.52 per square foot of living area.¹

In support of its contention of the correct assessment, the board of review submitted information on four comparable properties, two of which were located within the appellant's subdivision. The comparables consist of multi-level dwellings of masonry exterior construction that range in age from 51 to 61 years old. The dwellings range in size from 2,094 to 2,461 square feet of living area. Each comparable features a basement with three being partially finished. Each comparable has central air conditioning and a 2-car garage. Three dwellings each have one or two fireplaces. The comparables sold from January 2015 to May 2016 for prices ranging from \$408,000 to \$655,000 or from \$175.88 to \$312.80 per square foot of living area, land included. The comparables have improvement assessments that range from \$31,706 to \$57,439 or from

¹ This information was gleaned from the appellant's residential appeal form and was not contested or refuted by the board of review.

\$14.62 to \$27.43 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant argued the only credible evidence of the subject's market value was submitted by the appellant. Moreover, the appellant contended that three board of review comparables were located in excess of 1 mile in distance from the subject property.

Conclusion of Law

The appellant contends in part that 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 met this burden of proof and a reduction in the subject's assessment is warranted.

Initially, the Board finds the board of review only submitted evidence with respect to one of the subject two parcels which undermines the board of review's contention for the correct assessment and calls into question the similarity of the board of review comparables to the subject property. Consequently, the Board has given less weight to the comparables submitted by the board of review.

The Board finds the best evidence of market value to be the purchase of the subject property in February 2017 for a price of \$360,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market via the Multiple Listing Service, and it had been on the market for 88 days. In further support of the transaction, the appellant submitted a copy of the "Sales Questionnaire" from the Cook County Assessor's Office confirming the details of the sale and a copy of the proof of water service charges from the Village of Lincolnwood. The Board finds the purchase price of \$360,000 is below the market value of \$401,620 as reflected by the assessment. Furthermore, the Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. Based on the evidence in the record, the Board finds the appellant has demonstrated by a preponderance of the evidence that the subject property is overvalued and, therefore, a reduction in the subject's assessment commensurate with the appellant's request is appropriate.

As to the appellant's inequity in assessment argument, after granting assessment reduction to the subject property based on market value considerations, the Board finds the subject property is equitably assessed and, therefore, no further reduction in the subject's assessment is warranted based on the principle of uniformity.

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

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