



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

APPELLANT: James Akintonbe
DOCKET NO.: 17-44889.001-R-1
PARCEL NO.: 29-12-325-024-0000

The parties of record before the Property Tax Appeal Board are James Akintonbe, the appellant, by Jessica Hill-Magiera, Attorney at Law, in Lake Zurich, 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: \$ 522
IMPR.: \$7,484
TOTAL: \$8,006

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a favorable 2016 decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) in order to challenge 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 a two-story dwelling of frame and masonry exterior construction with 1,717 square feet of living area. The dwelling is approximately 10 years old. Features of the home include a concrete slab foundation, central air conditioning and a 1.5-car garage. The property has a 1,493 square foot site and is located in Calumet City, Thornton Township, Cook County. The subject is classified as a class 2-95 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 both recent sale information and data on four comparable sales. In Section IV – Recent Sale Data, the appellant reported the subject property was purchased in September 2014 for \$38,500. The parties to the transaction reportedly were not related and the property was advertised for sale for an unstated period of time. None of the requested documentation

concerning the sale transaction were submitted with the appeal such as the Settlement Statement, the listing and/or the sales contract as required.

In a grid analysis, the four comparable sales presented by the appellant are located within the same neighborhood code as the subject and within .09 of a mile from the subject. The comparables have lots of either 1,493 or 1,847 square feet of land area and are improved with two-story dwellings. The comparables each contain 1,717 square feet of living area and were each built in 2007. Each comparable has central air conditioning and either a 1-car or a 1.5-car garage. The comparables sold from April 2016 to February 2017 for prices ranging from \$40,000 to \$70,055 or from \$23.30 to \$40.80 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$5,181 to reflect the median sales price of the comparable properties.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$8,006. The subject's assessment reflects a market value of \$80,060 or \$46.63 per square foot of living area, including land, when applying the 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 four equity comparables, two of which also sold. Comparables #1 and #3 consist of two-story dwellings that contain 1,717 square feet of living area and were each 10 years old. The properties each have central air conditioning and a 1.5-car garage. These two properties sold in July 2015 and September 2016, respectively, for prices of \$1 and \$85,000 or for the latter sale \$49.50 per square foot of living area, including land.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant argued that only board of review comparable sale #1 was an appropriate comparable. The remaining board of review comparables did not depict recent sale prices given the appellant's overvaluation argument. The appellant also requests that the Board use the median sale price per square foot of the best comparables in the record in determining whether the subject is overvalued.

The Board also notes that the appellant cited various decisions previously decided by the Board in support of the arguments presented.

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.

The Board has given little weight to the appellant's evidence of the 2014 purchase price of the subject property. The appellant failed to provide sufficient data for analysis as to whether the sale was an arm's length transaction and, more importantly, the date of sale is more remote in time to the valuation date at issue as of January 1, 2017 as compared to other recent sales in the record.

The parties presented a total of six comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given little consideration to board of review comparable sale #3 as the sale price is \$1 which, without further explanation, is unlikely to be indicative of the subject's estimated market value and calls into question the arm's length nature of the sale.

The Board finds the remaining five comparable sales in the record are similar to the subject in location, story height, age, size, foundation and most features. These comparables sold from April 2016 to February 2017 for prices ranging from \$40,000 to \$85,000 or from \$23.30 to \$49.50 per square foot of living area, including land. The subject's assessment reflects a market value of \$80,060 or \$46.63 per square foot of living area, including land, which is within the range established by the best comparable sales in this record both in terms of overall value and on a per-square-foot basis.

Despite the appellant's argument in rebuttal, the Property Tax Appeal Board has given no weight to the argument for application of the average sales price per square foot of living area, including land, of the chosen best comparables in determining the fair market value of the subject property. Contrary to this argument, the Board's decision must be based upon equity and the weight of the evidence, not upon a simplistic statistical formula of using the average sale price per square foot of living area, including land, of those comparables in the record that are found to be most similar to the subject. (35 ILCS 200/16-185; Chrysler Corp. v. Property Tax Appeal Board, 69 Ill.App.3d 207 (2nd Dist. 1979); Mead v. Board of Review, 143 Ill.App.3d 1088 (2nd Dist. 1986); Ellsworth Grain Co. v. Property Tax Appeal Board, 172 Ill.App.3d 552 (4th Dist. 1988); Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (5th Dist. 1989)). Based upon the foregoing statutory provision and legal principles, there is no indication that the average sale price per square foot is the fundamental or primary means to determine market value on an appeal before the Board.

Furthermore, based on the foregoing evidence and giving greatest weight to the two sales that occurred most proximate in time to the valuation date at issue of the January 1, 2017, the Board finds 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: May 18, 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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