



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

APPELLANT: Ellen Trafficanta
DOCKET NO.: 18-22755.001-R-1
PARCEL NO.: 28-17-316-025-0000

The parties of record before the Property Tax Appeal Board are Ellen Trafficanta, the appellant(s), by attorney Anthony M. Farace, of Amari & Locallo 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: \$3,739
IMPR.: \$18,102
TOTAL: \$21,841

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 2018 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 is improved with a 39-year-old, two-story, building of frame and masonry construction containing 2,404 square feet of gross building area. Features of the subject include a partial unfinished basement, central air conditioning, one fireplace and a two-car garage. The property is situated on 8,310 square feet in Oak Forest, Bremen Township, Cook County. The property is a Class 2 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 a Special Warranty Deed and a settlement statement disclosing the subject property was purchased from County of Cook DBA Cook County Land Bank Authority (Land Bank) on

April 12, 2018, for \$174,000. The subject's sale price reflects a market value of \$72.38 per square foot of gross building area including land. The appellant also submitted a Multiple Listing Service (MLS) information sheet that disclosed the subject was offered for sale by the Land Bank “at a discount to market price as part of THE HOME BUYER DIRECT PROGRAM! HOME BUYER’S ONLY (NO INVESTORS, OWNER OCCUPANCY IS REQUIRED).” The MLS information sheet also disclosed the subject was offered for sale in an “as-is” condition. The appellant included information in Section IV–Recent Sale Data of the Residential Appeal that the subject was not sold as a transfer between related parties; and was advertised and sold through a realtor. The appellant failed to disclose how the transaction was settled. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price when using the 2018 level of assessment of 10.00% for Class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$21,841. The subject's assessment reflects a market value of \$218,410, or \$90.85 per square foot of gross building area, when using the 2018 level of assessment of 10.00% for Class 2 property 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 suggested comparable sales.

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 has not met this burden of proof and a reduction in the subject's assessment is not warranted.

The Board gave little weight to the subject's sale because it did not have the elements of an arm's-length transaction for fair cash value. The subject was offered for sale “at a discount to the market price.” It was marketed to a limited potential market because it disqualified investors and required the owner to occupy the property. It was sold in an “as-is” condition. Title was conveyed by a Special Warranty Deed.

The appellant did not submit additional evidence, such as comparable properties, to establish that the sale of the subject was for fair cash value. The board of review submitted sale comparable properties that contained property characteristics similar with the subject. Its comparable properties #1 through #4 are most similar with the subject. They sold from 2015 through 2018 for prices ranging from \$96.15 to \$127.98 per square foot of gross building area including land. The subject's assessment reflects a market value of \$90.85 per square foot of gross building area including land, which is below the range established by the best comparable sales in this record.

In determining the fair cash value of the subject property and all relevant factors, the Board finds that the appellant did not submit enough evidence to show the subject was overvalued.

Therefore, the Board finds that the appellant has not met its burden by a preponderance of the evidence and that the subject does not warrant a reduction based upon the market data submitted into evidence.

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:

February 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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