



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

APPELLANT: Raj Abhay
DOCKET NO.: 20-20827.001-R-1
PARCEL NO.: 16-07-327-039-1007

The parties of record before the Property Tax Appeal Board are Raj Abhay, the appellant, by attorney Joanne Elliott, of Elliott & Associates Attorneys, PLLC 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 **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:

LAND: \$1,511
IMPR.: \$22,989
TOTAL: \$24,500

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 2020 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 residential condominium unit located in a building of brick exterior construction that was approximately 16 years old and contains 9 residential condominium units. The subject property has 1,500 square feet of living area and features central air conditioning and 2.5 bathrooms. The condominium complex has a 10,365 square foot site located in Oak Park, Oak Park Township, Cook County. The subject is classified as a class 2-99 residential condominium 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 purchased on February 14, 2019, for a price of \$245,000. The appellant completed Section IV – Recent Sale Data of the appeal indicating the parties to the transaction were not related. The appellant further indicated the

property was sold through a realtor and was advertised through the Multiple Listing Service (MLS) for 210 days. To document the transaction the appellant submitted a copy of the MLS listing and a copy of the settlement statement. The settlement statement disclosed that \$12,250 of real estate brokerage commissions were paid. The MLS listing disclosed the subject property was originally listed on the market for \$275,000 on June 21, 2018 and was listed at \$259,500 when it sold. The appellant also submitted MLS sheets on two additional sales of condominium units located within the same building. One unit sold in April 2019 for \$255,500 and one unit had a contract date of January 2020 with a list price of \$210,000. There was no sale price disclosed on the listing sheet.

The appellant's counsel also submitted a brief stating that Illinois Law requires that real estate be valued for property tax purposes at "market value", the sales price of property in an arms-length transaction is conclusive evidence of market value (see *People ex. Korzen v. Belt Railway Company*, 37 Ill. 2d 265 (1967) where the court stated: "(i)t goes without saying that a contemporaneous sale between parties dealing at arm-length is not only relevant to the question of fair cash value, but would be practically conclusive at that issue." The appellant also argued for the application of a 9.49% reduction to the subject's market value based on its recent sale due to the COVID-19 pandemic as well as application of the class 2 Cook County three-year median level of assessment for the 2019 tax year of 9.28% as determined by the Illinois Department of Revenue.¹

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$26,835. The subject's assessment reflects a market value of \$268,350 when using the Cook County Real Property Assessment Classification Ordinance level of assessments for class 2-99 property of 10%.

The board of review submitted a copy of a Condominium Analysis Results for 2020 prepared by Katrina Geary for the subject's condominium building disclosing the subject unit has a 14.23% ownership interest in the complex. In support of its contention of the correct assessment the board of review submitted information on same three comparable sales of condominium units submitted by the appellant which includes the sale of the subject. These units have 8.94 %, 9.08% and 14.23% ownership interest in the subject's condominium, respectively and a combined total ownership interest in the condominium of 32.25%. These comparables were reported to have sold from February 2019 to March 2020 for prices ranging from \$211,500² to \$255,500, with sales prices totaling \$712,000. The board of review then divided the total consideration of the three units by the combined percentage of ownership interest of two units to arrive at a full market value for the building of \$2,207,751. Multiplying the full market value of the building by the subject's percentage of ownership interest of 14.23% results in an estimated market value for the subject unit of \$314,163 and a total assessment of \$31,416 when applying the level of assessment for class 2-99 property of 10%, which is above the subject's total assessment.

¹ The appellant submitted a copy of a press release issued by the Illinois Department of Revenue reporting the 2019 3-year average level of assessment for class 2 properties in Cook County to be 9.28%.

² The board of review reported the sale date and sale price of parcel 16-07-327-039-1005 to be March 2020 for a price of \$211,500 which was not refuted by the appellant.

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 finds the best evidence of market value is the sale of the subject in March 2020 for a price of \$245,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction 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 through the Multiple Listing Service, and the property had been on the market for 210 days. In further support of the transaction the appellant submitted a copy of the settlement statement. The board of review did not present any evidence to challenge the arm's length nature of the transaction. The Board finds the purchase price is below the market value reflected by the assessment. Since market value has been determined, the level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10% shall apply. 86 Ill.Admin.Code §1910.50(c)(2).

Furthermore, the appellant requested that the subject's assessment not only reflect its sale price, but also that it be further reduced by a COVID-19 adjustment and the three-year median level of assessment of 9.28% for the 2019 tax year for Cook County as determined by the Illinois Department of Revenue.

The Board distinguishes between a request for relief just because the pandemic occurred ("COVID Relief") and a request based on the pandemic's effect on market conditions, or the income-producing capacity of a given property. The former would only require the appellant to show that the pandemic occurred -not that the pandemic affected or contributed to changes in the relevant market or other factors related to the property's assessment. The latter would require the appellant to meet its burden to provide substantive evidence or legal argument sufficient to challenge the property's assessment.

As an administrative agency, the Property Tax Appeal Board only has the authority that the General Assembly confers on it by statute. Spiel v. Property Tax Appeal Bd., 309 Ill. App. 3d 373, 378 (2d Dist. 1999). Consequently, to the extent that the Board acts outside its statutory authority, it acts without jurisdiction. See Bd. of Educ. of City of Chicago v. Bd. of Trustees of Pub. Sch. Teachers' Pension & Ret. Fund of Chicago, 395 Ill. App. 3d 735, 739-40 (1st Dist. 2009). The Board has no statutory authority to reduce assessments solely because the pandemic occurred (i.e., to grant "COVID Relief"). If an appellant presents evidence demonstrating the pandemic resulted in or contributed to a reduction in the subject property's assessment, that may serve as the basis for a reduction, but the appellant is not entitled to a reduction just because the pandemic occurred.

The appellant also argued to ensure uniformity of assessment, the subject should be assessed at no more than 9.28% of market value, which is the three-year median level of assessment for the Cook County's 2019 tax year as determined by the Illinois Department of Revenue. The Board finds the argument lacks merit on this record. The Board finds the appellant failed to provide any documentation to support the application of this level of assessment or any legal reason why the purported 2019 level of assessment should be applied to an appeal for the 2020 tax year. Furthermore, the appellant provided no evidence or documentation to support its argument with respect to the level of assessment for class 2 property under the Ordinance as required by section 1910.50(c)(2)(A) & (B) of the rules of the Property Tax Appeal Board. (86 Ill. Admin. Code §1910.50(c)(2)(A) & (B)).

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: _____

October 15, 2024



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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