



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

APPELLANT: Ronald Whitaker
DOCKET NO.: 20-25445.001-R-1
PARCEL NO.: 16-07-400-039-0000

The parties of record before the Property Tax Appeal Board are Ronald Whitaker, the appellant; 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: \$1,691
IMPR.: \$33,309
TOTAL: \$35,000

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 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 multi-story townhome of masonry exterior construction with approximately 2,320 square feet of living area. The townhome is approximately 22 years old. Features of the home include a concrete slab foundation, central air conditioning, a fireplace, and a two-car garage. The property has a 1,253 square foot site and is located in Oak Park, Oak Park Township, Cook County. The subject is classified as a class 2-95 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted information pertaining to the sale of the subject property. The appellant completed Section IV of the residential appeal petition disclosing the property was purchased by Amy and Ryan Danahey from Ronald Whitaker and Mary Dycus on June 16, 2020 for \$350,000. The appellant further reported the sale did not involve family or related corporations; the subject was sold by Jane

McClelland, a realtor with Re/Max in The Village, and advertised in a Multiple Listing Service (MLS) for a period of 18 months. To document the sale, the appellant submitted copies of the real estate contract, warranty deed, MLS computer printout, an affidavit of title, and a closing statement that revealed commissions paid to Re-Max. Based on this evidence, the appellant requested the subject's total assessment be reduced to reflect the purchase price.¹

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$40,697. The subject's assessment reflects a market value of \$406,970 or \$175.42 per square foot of living area, land included, when applying the 10% level of assessment 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 comparable sales located in the same neighborhood code as the subject. The comparables have sites that range in size from 1,173 to 1,263 square feet of land area and are improved with class 2-95, three-story dwellings of masonry exterior construction with 2,320 or 2,338 square feet of living area and are each 22 years old. The comparables have other features that are similar to the subject. The properties sold from August 2017 to September 2020 for prices that range from \$409,000 to \$532,500 or from \$174.94 to \$229.53 per square foot of living area, land included. Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellant asserted that the board of review did not object to the provisions of the subject's sale and asserted the sale was between unrelated parties with a willing buyer and seller, and only one offer was received within the 18 months that the subject was listed for sale.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the sale of the subject property in June 2020 for \$350,000. The Board finds the board of review's comparable sales do not overcome the recent sale of the subject property which occurred within seven months of the January 1, 2020 valuation date at issue for the subject property. The evidence in the record also demonstrated the sale had the elements of an arm's length transaction. The evidence disclosed the parties to the transaction were not related, the property was sold using a realtor, and the property was advertised for sale with a MLS on the open market for 18 months. Additionally, the board of

¹ The appellant requested a reduction in the subject's land value but did not provide the necessary evidence needed by the Board to do a land analysis. In addition, the Board takes notice the land assessments of \$1.35 is the same for the subject property and each of the board of review comparables (land assessment ÷ lot size).

review did not present any evidence to challenge the arm's length nature of the transaction or to refute the appellant's contention that the purchase price was reflective of market value.

The Illinois Supreme Court has defined fair cash value as what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428, (1970). A contemporaneous sale of two parties dealing at arm's-length is not only relevant to the question of fair cash value but is practically conclusive on the issue of whether an assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). Furthermore, the sale of a property during the tax year in question is a relevant factor in considering the validity of the assessment. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369, 375 (1st Dist. 1983).

Based on this record, the Board finds a reduction in the subject's assessment to reflect its arm's-length sale price is warranted.

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 18, 2022



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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Ronald Whitaker
1 Itasca Place, Unit 114
Itasca, IL 60143

COUNTY

Cook County Board of Review
County Building, Room 601
118 North Clark Street
Chicago, IL 60602