



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

APPELLANT: Ganiyat Leffler
DOCKET NO.: 21-29313.001-R-1
PARCEL NO.: 17-08-113-008-0000

The parties of record before the Property Tax Appeal Board are Ganiyat Leffler, 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 ***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: \$18,750
IMPR.: \$74,250
TOTAL: \$93,000

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 2021 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 2-story dwelling of frame exterior construction with 2,518 square feet of living area.¹ The dwelling is 20 years old and features a finished basement, central air conditioning, two fireplaces, and a 2-car garage. The property has a 3,125 square foot site and is located in Chicago, West Chicago Township, Cook County. The property is a class 2-78 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 in July 2021 for a price of \$800,000 from Thomas Mchugh. The appellant completed Section IV - Recent Sale Data of the appeal petition disclosing the parties to the transaction were not related, the property was sold by

¹ The parties disagree as to the size of the subject's living area. The Board finds the best evidence of the subject's size of living area is the "property details" sheet submitted by the board of review which was not contested by the appellant in rebuttal.

the owner, and the property was not advertised for sale. Appellant further disclosed that the property was neither sold due to foreclosure nor using a contract for deed. To document the sale, the appellant submitted a copy of the Settlement Statement associated with the sale of subject.

In further support of the overvaluation argument, the appellant submitted a partial copy of an appraisal report² prepared by Christopher J. Posey, a Certified Residential Real Estate Appraiser. The appraisal was prepared on behalf of a lending institution in connection with a mortgage finance transaction.

In utilizing the sales comparison approach to value, the appellant's appraiser selected three suggested comparable properties that were located in Chicago and from .37 to .95 of a mile from the subject property. The comparables ranged in size from 1,910 to 2,196 square feet of living area and range in age from 20 to 22 years old. Each comparable features a partially finished basement, central air conditioning, two fireplaces, and a 2-car garage. The comparables had sale dates ranging from October 2020 to May 2021 and prices ranging from \$820,000 to \$885,000 or from \$400.73 to \$443.39 per square foot of building area, including land. After adjustments, the comparables had adjusted sale prices of either \$820,000 or \$825,000.

Based on the foregoing evidence, the appellant requested a reduced assessment reflective of the purchase price of \$800,000.³

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$93,000. The subject's assessment reflects a market value of \$930,000 or \$369.34 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.

In support of its contention of the correct assessment, the board of review submitted information on four comparable sales that have the same assessment neighborhood code as the subject property. The comparables have sites that range in size from 2,400 to 2,976 square feet of land area and are improved with class 2-78, single-family dwellings of masonry or frame and masonry exterior construction that range in size from 2,415 to 2,650 square feet of living area. The comparables range in age from 3 to 16 years old. The comparables each feature a full basement, with formal recreation room. The comparables also each feature central air conditioning, and a 2-car garage. Two comparables have one or two fireplaces. The sales occurred from February to October 2021 for prices ranging from \$985,000 to \$1,350,000 or from \$392.42 to \$509.43 per square foot of living area, including land.

In rebuttal, the appellant argued that none of the board of review comparables are similar to the subject property in location, design, age, and features. The appellant contended that each comparable submitted by the board of review is greater than 1.5 miles in distance from the subject and is located in "more affluent areas with higher selling prices." As part of the rebuttal

² The copy of the Uniform Residential Appraisal Report submitted by the appellant appears to be missing the bottom portion of each page and is missing vital information including the appraiser's final value conclusion.

³ The appellant requested a reduction to the land assessment as well as the improvement. However, the appellant did not submit any evidence of land-only sales and, therefore, the Board is unable to meaningfully analyze the subject's land assessment or further consider appellant's request for a reduction to the subject's land assessment.

evidence, the appellant submitted limited information on seven properties purportedly located “within blocks from the subject property.”

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.

Initially, the Board will address the appellant’s evidence submitted in rebuttal which includes limited information regarding seven comparable sales. Section 1910.66(c) of the Rules of the Property Tax Appeal Board states that “[r]ebuttal evidence shall not consist of new evidence such as an appraisal or **newly discovered comparable properties.**” [Emphasis added]. Therefore, the Board finds that the seven comparable sales submitted in rebuttal are inadmissible pursuant to Section 1910.66(c). Additionally, notwithstanding the issue of admissibility, the comparable properties submitted in rebuttal lack essential descriptive information such as assessment neighborhood code, lot size, design, exterior construction, foundation and/or finished area, bathroom count, central air conditioning, fireplace(s), and garage and/or size. Without this vital descriptive information, the Board is unable to make a meaningful comparative analysis between the subject and the comparable properties. Therefore, the Board will not further consider the comparable sales submitted in appellant’s rebuttal.

The appellant further alleges in rebuttal that the board of review comparables are each located in “more affluent areas with higher selling prices.” However, the Board finds that other than this general assertion, the appellant did not produce substantive evidence of the specific locations of the comparable properties and the relationship between their locations and higher selling prices, all else being equal.

As to the subject’s sale in July 2021, the Board gives less weight to the subject’s sale price due to the sale lacking a key fundamental element of an arm's-length transaction. The evidence in this record shows the subject property was not advertised for sale in the open market and thus is less likely to be reflective of fair cash value. Section 1-50 of the Property Tax Code defines fair cash value as:

The amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller. (35 ILCS 200/1-50)

Illinois Supreme Court has stated fair cash value is synonymous with fair market value and is defined as the price a willing buyer would pay a willing seller for the subject property, there being no collusion and neither party being under any compulsion. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428, 256 (1970) and Ellsworth Grain Company v Property Tax Appeal Board, 172 Ill.App.3d 552, 526 (4th Dist. 1988). Although the appellant’s evidence indicates the subject's transaction was between unrelated parties, the appellant’s appeal petition

and the settlement statement associated with the subject sale clearly establish that the subject property was not advertised for sale on the open market. Thus, the general public did not have the opportunity to purchase the subject property at any negotiated sale price. Therefore, the subject's sale price was given little weight and is not considered indicative of fair market value.

As to the appellant's appraisal, the Board gives no weight to the appraiser's opinion of value and gives little weight to the report itself due to the key elements of the report, (most importantly the appraiser's opinion of value), were not included in the copy of the report submitted by the appellant to the Property Tax Appeal Board. However, the Board will consider the three raw (unadjusted) comparable sales utilized by the appellant's appraiser.

The record contains three comparable sales utilized by the appellant's appraiser and four comparable sales submitted by the board of review. The Board gives less weight to appraiser's comparables #1 and #2 due to being approximately 25% smaller in dwelling size relative to the subject dwelling. The Board also gives less weight to board of review comparables #1, #2, and #3 based on their newer ages relative to the subject. The Board finds the best evidence of market value to be appraiser's comparable #3, along with board of review comparable #4 which are most similar to the subject in age and dwelling size, as well as similar in design and features. The best overall comparables in the record sold in October 2020 and February 2021 for prices of \$880,000 and \$1,025,000 or for \$400.73 and \$392.42 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$930,000 or \$369.34 per square foot of living area, including land, which is bracketed by the best comparable sales in this record in terms of overall value and lower on a per square foot of living area basis.

Based on this record, and after considering all the comparables submitted by the parties with emphasis on those properties with the most similar features to the subject, and after further considering appropriate adjustments to the two best comparables in the record for differences from the subject, the Board finds the appellant did not demonstrate by a preponderance of the evidence that the subject property is overvalued and, thus, 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: June 18, 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

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