



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

APPELLANT: Frank J. Ungari
DOCKET NO.: 22-35233.001-R-1
PARCEL NO.: 02-05-200-014-0000

The parties of record before the Property Tax Appeal Board are Frank J. Ungari, the appellant(s), by attorney Brian S. Maher, of Weis, DuBrock, Doody & Maher 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: \$19,519
IMPR.: \$19,499
TOTAL: \$39,018

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 2022 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 non-owner-occupied, 80-year-old, one-story, single-family dwelling of masonry construction with 2,297 square feet of living area. The property has an 80,325 square foot site located in Barrington, Palatine Township, Cook County. Features of the home include a slab foundation, two full bathrooms, one half bathroom, a fireplace, and a two-car garage. The subject is classified as a class 2-04 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on overvaluation based on a recent sale of the subject. The appellants presented evidence that the subject property was sold on July 24, 2019, for a price of \$310,000. The appellant(s) completed Section IV - Recent Sale Data of the PTAB residential appeal form and disclosed that the parties to the transaction were not between family members or related corporations, an "unknown" licensed realtor was involved in the transaction. Appellant

indicated that he the property had been advertised on the open market via a multi-listing service for a “not applicable” amount of time, and that the sale of the subject was not due to a foreclosure. The appellants also submitted a copy of the settlement statement and a real estate contract that indicated that purchase was a cash sale. The appellant did not submit a listing data sheet or listing history. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price of \$310,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$39,018¹. The subject's assessment reflects a market value of \$390,180 or \$169.897 per square foot of living area, land included, when applying the 10% Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment the board of review submitted information on eight comparable sales with varying degrees of similarities to the subject.

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 Illinois Supreme Court 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). In addition, 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)

The Property Tax Appeal Board finds the subject's sale does not meet at least one of the fundamental requirements to be considered an arm's-length transaction reflective of fair cash value. Specifically, the subject was not advertised and or exposed to the open market prior to its 2019 sale. The appellants presented evidence that the subject property was sold on July 24, 2019, for a price of \$310,000. The appellants completed Section IV - Recent Sale Data of the PTAB residential appeal form and disclosed that the parties to the transaction were not related and the sale of property was not the subject of a foreclosure. The Board finds that the preponderance of the evidence shows the subject property was not advertised or exposed for sale on the open market prior to its 2019 sale. The appellant failed to provide any evidence in support of their claim that the subject was exposed to the open market such as a listing data sheet for the subject

¹ The BOR submitted their notes on appeal and suggested comparable properties for appeals filed by appellant in 2019, 2020, and 2021. These were not considered in the Board's analysis of this appeal.

which would have likely supplied that information. Additionally, despite appellant's claim that the amount of time the subject was advertised was "not applicable", the Board finds that the amount of time that this subject, or for that matter any subject, is advertised for sale is applicable in its analysis in determining a fair market value. Ultimately, there is no corroborative evidence submitted by the appellant that disclosed if or for how long the property was exposed to the open market².

Illinois law requires that all real property "shall be valued at its fair cash value, estimated at the price it would bring at a fair voluntary sale." (Ill. Rev. Stat. 1971, ch. 120, par. 501.) Fair cash value is normally associated with fair market value: 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 likewise ready, willing and able to buy, but not forced to do so. (See, e.g., *People ex rel. McGaughey v. Wilson* (1937), 367 Ill. 494, 12 N.E.2d 5.) This is theoretically an objective standard of valuation; the value of particular property is set by the forces of the marketplace at a given place and time. The Property Tax Appeal Board finds the subject's lack of open market exposure fails to meet a fundamental requirement to be considered an arm's-length transaction reflective of fair cash value. The board gives significantly diminished weight to the July 24, 2019, sale of subject property because it was not exposed to the open market.

The appellant ultimately had the burden of showing overvaluation in the assessment process by a preponderance of the evidence. The Board finds the appellant did not prove by a preponderance of the evidence that the market value of the subject property is not accurately reflected in its assessed valuation. The Board therefore finds that a reduction in the subject's assessment on the evidence provided by the appellant is not justified.

² The appellant checked the box in section IV of this appeal indicating that the subject was advertised for sale by way of a multi-listing service. The Board takes official notice pursuant to 86 Ill.Admin.Code §1910.90(i) that in the appellant's 2019, 2020, & 2023 appeals for **the same sale of the subject** the appellant checked the box in section IV of those appeals indicating that the subject had NOT been advertised for sale and there was no mention of a multi-listing service. Additionally, in the 2021 appeal for the subject based on the same 2019 sale the appellant indicted that the subject **was** advertised for sale by way of a sign. The Board notes that the appellant submitted a letter in this this appeal outlining factors supporting their claim of the arm's length nature of this transaction, however, the appellant did not indicate that the subject had been advertised for sale by either a multi-listing service or by way of a sign. The Board finds that the subject was NOT advertised for sale and thus proceeded in its analysis of this appeal on that basis.

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 20, 2025



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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