



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

APPELLANT: Anita & Patrick Tracy
DOCKET NO.: 16-28467.001-R-1 through 16-28467.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Anita & Patrick Tracy, the appellant(s); 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
16-28467.001-R-1	24-10-408-006-0000	1,406	4,778	\$6,184
16-28467.002-R-1	24-10-408-005-0000	1,322	4,778	\$6,100

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 2016 tax year. The Property Tax Appeal Board (hereinafter, "Board") finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of two contiguous parcels of a three-parcel property. Each parcel is designated by a Property Index Number (hereinafter, "PIN"). The two parcels for the subject of this appeal are PINs 005 and 006. The appellants did not appeal PIN 007 to the Board. The subject contains a 62 year-old, one and one-half-story dwelling of frame construction containing 884 square feet of living area. The property has a 3,125 square foot site located in the Village of Worth, Worth Township, Cook County. The subject is classified as a Class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellants' appeal is based on overvaluation. In support of this argument, the appellants submitted a settlement statement disclosing the subject property was purchased on July 20, 2015 for \$92,000 in an all-cash transaction from "Florence Torrence by Clairdon H. Torrence as

attorney-in-fact.” The subject's sale price reflects a market value of \$104.07 per square foot of living area including land. The appellants also submitted the board of review assessment letter for 2016. It disclosed the total assessments for each of the three parcels: \$6,100 for PIN 005; \$6,184 for PIN 006; and \$1,406 for PIN 007. The appellants’ Residential Appeal Petition and the Addendum to Petition disclosed the appellants appealed only PINs 005 and 006 to the Board.

The appellants provided incomplete information in Section IV–Recent Sale Data of the Residential Appeal that the subject was advertised and sold by a realtor. The appellants stated the subject was purchased from “Florence Torrence by Clairdon H. Torrence (as attorney in fact).” The appellants did not submit documentary evidence of agency authorization of Clairdon H. Torrence. The appellants failed to disclose whether the subject was transferred between related parties or not and whether the subject was sold in settlement of an installment contract, contract for deed or a foreclosure. The settlement statement is the only documentary evidence of the transaction. It contained three line-items pertaining to Cook County tax prorations, one for each of PINs 005, 006 and 007. Based on this evidence, the appellants requested a reduction in the subject's assessment to \$4,684.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for PIN 006 of \$6,184. The PIN 005 total assessment is \$6,100, as disclosed by the board of review decision letter submitted by the appellants. The total assessment for both PIN 005 and 006 (the subject of this appeal) is \$12,284. In support of its contention of the correct assessment, the board of review submitted information on three suggested comparable sales that sold from 2014 through 2016 for prices ranging from \$158.67 to \$280.31 per square foot of living area including land.

Conclusion of Law

The appellants contend 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 appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

In Section IV-Recent Sale Data, the appellant failed to disclose whether the sale of the subject was a transfer between related parties. The appellants disclosed in Section IV that the seller was “Florence Torrence by Clairdon H. Torrence (as attorney in fact).” The settlement statement of the July 2015 purchase was signed in the same manner. However, the appellants did not submit further evidence of a power of attorney or other documentation of an agency relationship between Florence Torrence and Clairdon H. Torrence. The appellants also failed to disclose whether the subject was sold in settlement of a contract for deed, installment contract or a foreclosure. “Under the burden of going forward, the contesting party [the appellants, herein] must provide substantive, documentary evidence or legal argument sufficient to challenge the correctness of the assessment of the subject property.” 86 Ill.Admin.Code §1910.63(b). Real property in Illinois must be assessed at its fair cash value. The burden of going forward with

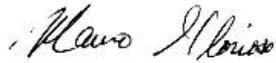
sufficient evidence of the status of the parties to the transaction and that the purchase was an arm's-length transaction at fair cash value is not overcome by the dearth of documentation submitted by the appellants of the conditions and circumstances of the purchase.

Illinois law requires that all real property be valued at its fair cash value, estimated at the price it would bring at a fair 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 is not forced to do so.

Bd. of Educ. of Meridian Cmty. Unit Sch. Dist. No. 223 v. Ill. Prop. Tax Appeal Bd., 961 N.E. 2d 794, 802 (2d Dist. 2011) (citing Chrysler Corp. v. Ill. Prop. Tax Appeal Bd., 69 Ill. App. 3d 207, 211 (2d Dist. 1979)).

The Board gives little weight to the subject's sale because the appellants did not submit sufficient evidence of the elements of an arm's-length transaction at fair cash value between a willing seller and a willing buyer and not sold between related parties. In contrast, the Board finds the best evidence of market value in the record to be sales comparables #1, #2 and #3 submitted by the board of review. These comparables were similar with the subject in location, style, construction, features, age, living area and land area. These properties also sold from 2014 through 2016 for prices ranging from \$158.67 to \$280.31 per square foot of living area, including land. The subject's assessment reflects a market value of \$154.46 per square foot of living area, including land, which is below the range established by the best comparable sales in this record. Therefore, the Board finds an assessment reduction is not 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: February 13, 2019



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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