

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: ABD Builders Ltd.  
DOCKET NO.: 03-22711.001-R-1  
PARCEL NO.: 10-21-408-041-0000

The parties of record before the Property Tax Appeal Board are ABD Builders Ltd., the appellant, and the Cook County Board of Review.

The subject property consists of an unimproved 7,500 square foot parcel located in Niles Township, Cook County.

The appellant in this appeal submitted documentation to demonstrate that the subject property was improperly assessed. This evidence was timely filed by the appellant pursuant to the Official Rules of the Property Tax Appeal Board.

The appellant submitted evidence before the Property Tax Appeal Board claiming the market value of the subject is not accurately reflected in its assessment. In support of this argument, the appellant submitted a one-page brief, a copy of a demolition permit dated November 4, 2002, photographs of the subject property and a copy of the subject's settlement statement.

The appellant's evidence disclosed that the appellant purchased the subject property in October 2002 and subsequently demolished an old garage which occupied the lot and was classified as industrial property. Due to the demolition, the appellant argued that the subject is misclassified and should be reclassified as residential land due to property use. The appellant's evidence disclosed that the subject was purchased in October 2002 for a price of \$215,000; was sold by realtor, advertised for sale in a multiple listing service, the sale was not a transfer between family or related corporations and the seller's mortgage was not assumed. The demolition permit was issued on November 4, 2002.

(Continued on Next Page)

Based on the facts and exhibits presented, 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:	\$ 21,780
IMPR.:	\$ 0
TOTAL:	\$ 21,780

Subject only to the State multiplier as applicable.

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Based upon this information, the appellant requested an assessment reflective of a fair market value for the subject of \$215,000.

In contrast, the board of review did not submit its "Board of Review Notes on Appeal" or any evidence in support of its assessed valuation of the subject property. Accordingly, the board was defaulted.

When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3<sup>rd</sup> Dist, 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2<sup>nd</sup> Dist. 2000). Proof of market value may consist of an appraisal, a recent arms-length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. (86 Ill.Ad.Code §1910.65(c)) Having reviewed the record and considering the evidence, the Board finds the appellant has satisfied this burden.

The appellant's evidence disclosed that the appellant purchased the subject in October 2002 and subsequently demolished an old garage which occupied the parcel. Due to the demolition, the appellant argued that the subject is misclassified and should be reclassified as residential due to property use. The appellant's evidence disclosed that the subject was purchased in October 2002 for a price of \$215,000; was sold by realtor, advertised for sale in a multiple listing service, the sale was not a transfer between family or related corporations and the seller's mortgage was not assumed. The demolition permit was issued on November 4, 2002.

The Property Tax Appeal Board finds the appellant's contention that the subject be reclassified as residential to be persuasive. The Board also finds the subject's October 2002 sale for \$215,000 to be the best evidence of market value contained in the record. The Board further finds the board of review did not offer any evidence refuting the subject's sale price nor did it provide any alternate market value evidence. In fact, the board of review did not submit any evidence in support of its assessment of the subject property as required by Section 1910.40(a) of the Official Rules of the Property Tax Appeal Board.

Therefore, the Property Tax Appeal Board finds that the subject had a market value of \$215,000 as of January 1, 2003. The Board further finds that the 2003 Illinois Department of Revenue's three-year median level of assessments of 10.13% for Class 2 property shall apply and a reduction 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.



Chairman



Member



Member



Member



Member

DISSENTING: \_\_\_\_\_

C E R T I F I C A T I O N

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: December 7, 2007



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 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 the subsequent year 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.

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.