FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Joseph Pav
DOCKET NO.: 05-20552.001-R-1
PARCEL NO.: 16-21-210-024-0000

The parties of record before the Property Tax Appeal Board are Joseph Pav, the appellant(s), by attorney Glenn S. Guttman, of Rieff Schramm & Kanter of Chicago; and the Cook County Board of Review.

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:	$ 3,149
IMPR.:	$ 5,253
TOTAL:	$ 8,402

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 95-year-old, two-story style multi-family dwelling of masonry construction. Containing 1,328 square feet of living area, the subject features two apartments and a one and one-half car garage.

The appellant, through counsel, submitted evidence before the Property Tax Appeal Board that the market value of the subject property is not accurately reflected in its assessed valuation. The appellant's petition indicated the subject was purchased in March 2003 for a price of $86,000 from an independent executor; was not a transfer between family or related corporations; and the seller's mortgage was not assumed. In support of the market value argument, the appellant submitted a settlement statement for the subject's sale dated February, 21, 2003 indicating a sale price of $86,000 and a copy of a recorded administrator's deed with applicable transfer stamps. A copy of the subject's 2005 board of review final decision was also included. Based on this

evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of $14,699 was disclosed. This assessment reflects a fair market value of $150,450 when the Illinois Department of Revenue's 2005 three-year medial level of assessments for Cook County Class 2 residential property is applied. In support of the subject's assessment, the board of review offered property characteristic sheets and a spreadsheet detailing four suggested comparable properties located in the same coded assessment neighborhood as the subject. The comparables consist of two-story style multi-family dwellings of frame or masonry construction from 92 to 101 years old. Each comparable contains two apartments. These properties range in size from 1,240 to 1,512 square feet of living area and have improvement assessments ranging from $8.55 to $9.26 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject property's assessment.

In rebuttal, the appellant's counsel argued that the subject's 2003 sale is indicative of the subject's its fair market value as of the date at issue. Further, the appellant offered information regarding the sales of three properties located in the same general area as the subject. This is new evidence submitted under the guise of rebuttal. *The Official Rules of the Property Tax Appeal Board* §1910.66(b) states in pertinent part:

> b) Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties.

Therefore, the Property Tax Appeal Board will not consider these comparables in its analysis.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The appellant's argument was that the market value of the subject property is not accurately reflected in its assessed valuation.

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 728 N.E.2d 1256 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. Section 1910.65 *The Official Rules of the Property Tax Appeal Board* (86 Ill.Adm.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 appellant's evidence of the February 2003 sale of the subject for a price of $86,000 is the most persuasive evidence of the subject's market value as of the assessment date at issue. Based this foregoing analysis, the Property Tax Appeal Board finds the subject property had a market value of $86,000, as of January 1, 2005. Since the fair market value of the subject has been established, the Board finds that the Cook County Real Property Assessment Classification Ordinance level of assessments of 9.77% for Class 2 properties shall apply and a reduction is accordingly warranted.

In conclusion, the Property Tax Appeal Board finds that the board of review did not address the appellant’s contention that the market value of the subject is not accurately reflected in its assessment. Further, the Board also finds the board of review did not refute the arm’s length nature of the subject’s February 2003 sale for a price of $86,000. The Board placed diminished weight on the board’s evidence.

Lbs/09

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: October 28, 2009

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.