PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Tanweer Afzal
DOCKET NO.: 05-22291.001-R-1
PARCEL NO.: 09-09-402-024-0000

The parties of record before the Property Tax Appeal Board are Tanweer Afzal, the appellant, and the Cook County Board of Review.

The subject property consists of a two year old, three-story frame townhouse containing 1,963 square feet of living area. The dwelling has a concrete slab foundation, central air conditioning, and a 482 square foot garage.

The appellant submitted documentation before the Property Tax Appeal Board claiming the subject's property is overvalued and inequitably assessed. In support of these claims, the appellant submitted a settlement statement documenting the subject's October 2004, sale price of $357,000 or $181.86 per square foot of living area including land. Additionally, the appellant submitted photographs, property characteristic sheets and a grid analysis detailing four townhouses located in close proximity to the subject.

The comparables are three-story frame townhouses ranging in size form 1,525 to 1,963 square feet of living area that are 2 to 7 years old. The dwellings have concrete slab foundations, central air conditioning, and garages ranging in size from 482 to 500 square feet. The townhouses have improvement assessments ranging from $13,168 to $30,624 or from $6.71 to $15.60 per square foot of living area. These properties sold in 2004 for prices ranging from $287,000 to $355,000 or from $170.61 to $188.20 per square foot of living area including land. The subject property has an improvement assessment of $51,204 or $26.08 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's assessment.

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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:	$	962
IMPR.:	$	33,917
TOTAL:	$	34,879

Subject only to the State multiplier as applicable.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of $52,166 was disclosed. The subject's assessment reflects an estimated market value of $533,941 or $272.00 per square foot of living area including land using Cook County's 2005 three-year median level of assessments of 9.77% for Class 2 property as determined by the Illinois Department of Revenue (PTAX-215).

In support of the subject's assessment, the board of review submitted a single assessment comparable located in close proximity to the subject. The 1 year old, three-story frame townhouse contains 1,963 square feet of living area. The comparable has a concrete slab foundation, central air conditioning and a two-car garage. It has an improvement assessment of $51,204 or $26.08 per square foot of living area. The board of review submitted no specific market value evidence or analysis addressing the market value complaint raised by the appellant. Based on this evidence, the board of review requested confirmation of the subject property's assessment.

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 Property Tax Appeal Board further finds a reduction in the subject property's assessment is warranted.

The appellant argued the subject property is overvalued. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 183, 728 N.E.2d 1256 (2nd Dist. 2000). The Board finds the appellant has overcome this burden. The Illinois Supreme Court has 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). A contemporaneous sale of property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be practically conclusive on the issue of whether an assessment is reflective of market value. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369 (1st Dist. 1983), People ex rel. Munson v. Morningside Heights, Inc, 45 Ill.2d 338 (1970), People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967); and People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945). Based on this record, the Board finds the best evidence of the subject's fair market is its October 2004, sale price of $357,000. This sale occurred less than three months prior to the subject's January 1, 2005, assessment date at issue in this appeal. The Property Tax Appeal Board further finds the board of

review submitted no evidence suggesting the subject's transaction was not arm's-length.

The appellant further argued the subject property was inequitably assessed. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the evidence submitted and the subject's assessment reduction for the aforementioned market value considerations, the Board finds the appellant has not overcome this burden and no further reduction is warranted.

The parties submitted five suggested assessment comparables for the Board's consideration. The Property Tax Appeal Board finds these properties are similar to the subject in location, design, age, construction, and amenities. They have wide ranging improvement assessments from $13,168 to $51,204 or from $6.71 to $26.08 per square foot of living area. The subject property has a revised improvement assessment based on its sale price of $33,917 or $17.28 per square foot of living area, which is slightly higher than four comparables, but less than one comparable. The Board finds the four comparables that are assessed slightly less than the subject sold in 2004 for prices ranging from $287,000 to $355,000. The subject property sold in 2004 for $357,000, which is from $2,000 to $70,000 more than the comparables. After considering any necessary adjustments to the comparables for differences to the subject, the Board finds the subject's revised improvement assessment is supported and no further reduction is warranted.

The supreme court in Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395, 169 N.E.2d 769, discussed the constitutional requirement of uniformity. The court stated that "[u]niformity in taxation, as required by the constitution, implies equality in the burden of taxation." (Apex Motor Fuel, 20 Ill.2d at 401) The court in Apex Motor Fuel further stated:

> "the rule of uniformity ... prohibits the taxation of one kind of property within the taxing district at one value while the same kind of property in the same district for taxation purposes is valued at either a grossly less value or a grossly higher value. [citation.]
>
> Within this constitutional limitation, however, the General Assembly has the power to determine the method

> by which property may be valued for tax purposes. The constitutional provision for uniformity does [not] call ... for mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute in its general operation. A practical uniformity, rather than an absolute one, is the test.[citation.]" Apex Motor Fuel, 20 Ill.2d at 401.

In this context, the court stated in Kankakee County that the cornerstone of uniform assessments is the fair cash value of the property in question. According to the court, uniformity is achieved only when all property with similar fair cash value is assessed at a consistent level. Kankakee County Board of Review, 131 Ill.2d at 21. Proof of an assessment inequity should consist of more than a simple showing of assessed values of the subject and comparables together with their physical, locational, and jurisdictional similarities. There should also be market value considerations, if such credible market evidence exists, such as in this appeal. Thus, although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity, which appears to exist on the basis of the evidence contained in this record.

In conclusion, the Board finds the appellant demonstrated overvaluation by a preponderance of the evidence. Therefore, the Board finds the subject property’s assessment as established by the board of review is incorrect and a reduction is warranted.

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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.