



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

APPELLANT: Bruce Davis  
DOCKET NO.: 05-22619.001-R-1  
PARCEL NO.: 31-35-201-042-0000

The parties of record before the Property Tax Appeal Board are Bruce Davis, the appellant(s), by attorney Christopher G. Walsh, Jr. of Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented, 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:** \$ 2,832  
**IMPR.:** \$ 11,196  
**TOTAL:** \$ 14,028

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is a 7,080 square foot parcel of land improved with a 28 year old, frame and masonry, multi-level, single family dwelling containing 1,376 square feet of living area, two-baths, and a partial, finished basement. The appellant, via counsel, argued that the market value of the subject property is not accurately reflected in its assessed value.

In support of this overvaluation argument the appellant submitted a copy of the closing statement dated April 25, 2002 indicating the subject was purchased by the appellant for \$100,000 from Option One Mortgage. Also included is a copy of the PTAX-203 showing the subject property sold for \$100,000. A second closing statement was included for the sale of an unrelated parcel to the appellant in 2003.

The appellant's attorney includes a letter arguing that a prior Property Tax Appeal Board decision for a different property shows

that a recent purchase is the best evidence of value for a property for assessment purposes. Based on this evidence the appellant requested the subject's assessment be reduced to reflect the subject's purchase price.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$14,028 was disclosed. This reflects a market value of \$143,582 using the Department of Revenue's three year median level of assessment for class 2 property of 9.77%. In support of the subject's assessment, the board of review presented a grid analysis with descriptive and assessment information on three properties suggested as comparable to the subject. These properties are multi-level, frame and masonry, single-family dwellings located in the subject's neighborhood. The properties contain two baths, a partial basement with two finished, air conditioning for two properties, and for two properties, a fireplace. The properties range: in age from 26 to 28 years; in size from 1,153 to 1,301 square feet of living area; and in improvement assessment from \$8.99 to \$9.54 per square foot of living area.

In addition, the board of review questioned the arm's length nature of the sale of the subject in 2002. In support of its position, the board included a copy of a printout from the Cook County Recorder of Deeds showing the subject sold in a judicial sale to a bank four months prior to the sale to the appellant. This document also shows a subsequent sale of the subject in April 2006 for \$155,000. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At the hearing, the appellant's attorney argued the PTAX-203 indicates the property was advertised for sale and sold through a real estate agent; however, he acknowledged he had no personal knowledge as to the veracity of this document. Mr. Walsh indicated that the closing statement does not include any information as to whether a real estate broker was used in the sale.

As to the closing statement for the unrelated parcel, Mr. Walsh did not know why that document was included in the evidence. He did know if the appellant resided in the subject property, but argued that the PTAX-203 indicated he intended it to be his residence.

The board of review argued the sale of the subject was not arm's length in nature and argued that a subsequent sale occurred in April 2006 for \$155,000.

Mr. Walsh argued the comparables submitted by the board of review is irrelevant and that the board has not proven the subject was not at arm's length.

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 Board further finds the evidence in the record does not support a reduction in the subject's assessment.

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, 331Ill.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 arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code 1910.65(c). Having considered the evidence presented, the PTAB concludes that the evidence indicates a reduction is not warranted.

The appellant in this appeal submitted a copy of a closing statement for the subject property showing a purchase price of \$100,000 in March 2004. The appellant also argued that the board of review did not prove that the sale of the subject was not an arm's length transaction. However, the PTAB finds that the board of review submitted sufficient evidence to question the arm's length nature of the sale and that the appellant failed to overcome the burden of proving it was arms length. In addition, this sale occurred over two years prior to the lien date. A subsequent sale occurred just over one year after the lien date for \$155,000. The arm's length nature of this sale was never questioned. The subject's current assessment reflects a market value that is in between these two sale prices. The PTAB finds this supports the theory that a property will increase in market value over time. Therefore, the PTAB finds that the subject property's assessment supports its market value and no 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.

*Ronald R. Cuit*

Chairman

*K. L. Fern*

Member

*Frank A. Huff*

Member

*Mario Morris*

Member

*Shawn R. Lerbis*

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: April 23, 2010

*Allen Castrovillari*

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.