



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

APPELLANT: Mohammed Ifikhar
DOCKET NO.: 05-27536.001-R-1
PARCEL NO.: 21-30-110-037-0000

The parties of record before the Property Tax Appeal Board are Mohammed Ifikhar, the appellant(s), by attorney Stephanie Park, of Stephanie Park, P.C. 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: \$597
IMPR: \$1,552
TOTAL: \$2,149

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 764 square foot parcel of land improved with a 61-year old, two-story, masonry, attached, single-family dwelling containing 960 square feet of living area, one bath, and a full, unfinished basement. The appellant argued both unequal treatment in the assessment process and that the market value of the subject property is not accurately reflected in the property's assessed valuation as the bases of this appeal.

In support of the market value argument, the appellant submitted a copy of the settlement statement showing the subject was purchased in June 6, 2002 for \$22,000 and a copy of an affidavit from the appellant stating the property listed by a real estate broker, advertised for sale, and that there was no relationship between the buyer and purchaser.

In support of the equity argument, the appellant, via counsel, submitted information on a total of four properties suggested as

comparable and located within the subject's neighborhood. The properties are described as two-story, masonry, attached, single-family dwellings with one or one and one-half baths and a full basement with one finished. The properties range: in age from 21 to 61 years; in size from 1,000 to 1,152 square feet of living area; and in improvement assessments from \$3.41 to \$4.44 per square foot of living area. 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 total assessment of \$5,498 was disclosed. This assessment reflects a market value of \$334,363 using the level of assessment of 16% for Class 2 property as contained in the Cook County Real Property Assessment Classification Ordinance. In support of the subject's assessment, the board of review presented a memorandum from Warren Fairley, Analyst. The memo indicates that three residential units sold for a total price of \$295,000. \$2,000 per sale for personal property or \$6,000 was deducted from this amount for a total of \$289,000. This amount was divided by the number of sales for a full value for the subject of \$96,333. The memorandum also indicates the subject's sale may not be arm's length without any other explanation. Based on this evidence, the board of review requested confirmation of the subject'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 Board further finds a reduction in the subject's assessment is warranted.

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 (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. 86 Ill.Admin.Code 1910.65(c). Having considered the evidence presented, the PTAB concludes that the evidence indicates a reduction is warranted.

In determining the fair market value of the subject property, the PTAB finds the best evidence to be the sale of the subject property on June 2, 2002 for \$22,000. The PTAB finds this sale was not between related parties, was advertised in the market, and was an arm's length transaction. The PTAB gives no weight to the board of review's evidence as it attempts to calculate the subject's market value with an unproven method of dividing the sale price of several properties by the number that sold. In addition, the PTAB finds the board did not submit any evidence to show the subject's sale was not arm's length.

Therefore, the PTAB finds that the subject property had a market value of \$22,000 for the 2005 assessment year. Since the market value of the subject has been established, the Department of Revenue median level of assessments for Cook County Class 2 property of 9.77% will apply. In applying this level of assessment to the subject, the total assessed value is \$2,149 while the subject's current total assessed value is above this amount. Therefore, the PTAB finds that a reduction is warranted. Because the market value for the subject has been determined the PTAB does not need to review the appellant's equity argument.

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: November 25, 2009

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.