



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

APPELLANT: Maria & Fernando Esparza
DOCKET NO.: 06-21237.001-R-1 through 06-21237.006-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Maria & Fernando Esparza, the appellants, by attorney Howard W. Melton of Raila & Associates, P.C., in 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
06-21237.001-R-1	23-25-101-012-0000	4,521	6,140	\$10,661
06-21237.002-R-1	23-25-101-013-0000	4,521	6,140	\$10,661
06-21237.003-R-1	23-25-101-002-0000	8,955	0	\$8,955
06-21237.004-R-1	23-25-101-003-0000	3,730	0	\$3,730
06-21237.005-R-1	23-25-101-004-0000	6,510	0	\$6,510
06-21237.006-R-1	23-25-101-005-0000	5,630	0	\$5,630

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of frame and masonry construction containing 2,956 square feet of living area. The dwelling is 35 years old and features a concrete slab foundation, central air conditioning and a 2.5-car garage. The property has a 42,180 square foot site consisting of six parcel identification numbers and is located in Palos Township, Cook County.

The appellants' appeal is based on overvaluation. In support of this argument, the appellants submitted evidence disclosing the subject property was purchased on April 25, 2005 for a price of \$456,000. The appellants completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold by the owner and the property had been advertised on the open market with the Multiple Listing Service. In further support of the transaction, the appellants

submitted a copy of the Settlement Statement reiterating the date and sale price.

The appellants also contended that four of the subject parcels should be re-classified from Class 1-00 Vacant Land which is assessed at 22% to Class 2-41 parcels under the Cook County Real Property Assessment Classification Ordinance as these parcels are "side yards" to the subject and qualify under the definition of "vacant land under common ownership with adjacent residence." Pursuant to the Ordinance, such property is to be assessed at a 16% level of assessment as of 2006 along with all other Class 2 residential properties.

Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect the purchase price along with a reclassification of the four vacant parcels on appeal which are the side yards to the dwelling.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$70,324 was disclosed. The subject's assessment reflects a market value of \$694,901 when applying the 2006 three year average median level of assessments for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10.12% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code §1910.50(c)(2)(A)).

In support of the assessment the board of review submitted information on the subject parcels and reported the subject's purchase price of \$456,000 on April 25, 2005. 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.

The appellants contend the market value of the subject property is not accurately reflected in its assessed valuation. Fair cash value or market value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean 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 between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). 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 (3rd Dist. 2002); 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the purchase of the subject property on April 25, 2005 for a price of \$456,000. The appellants provided evidence demonstrating the sale had the elements of an arm's length transaction. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. In fact, the board of review reported the same date of sale and sale price as reported by the appellants. Based on this record the Board finds the subject property had a market value of \$456,000 as of January 1, 2006.

In addition, the Board finds that the four vacant parcels that are the subject matter of this appeal are "vacant land under common ownership with adjacent residence" and should properly be classified as Class 2-41 parcels rather than Class 1-00 parcels. The board of review submitted no evidence challenging this aspect of the appellant's argument.

Since market value has been determined the 2006 three year average median level of assessments for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10.12% shall apply to all six parcels that are the subject matter of this appeal. (86 Ill.Admin.Code §1910.50(c)(2)(A)).

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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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: July 19, 2013

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.