



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

APPELLANT: John Haugh
DOCKET NO.: 06-27441.001-R-1
PARCEL NO.: 09-25-406-028-0000

The parties of record before the Property Tax Appeal Board are John Haugh, the appellant, by attorney Glenn S. Guttman of Rieff Schramm & Kanter in 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: \$ 7,049
IMPR.: \$ 24,940
TOTAL: \$ 31,989

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-story, single-family dwelling with 1,105 square feet of living area. The subject has masonry exterior construction, a full, unfinished basement, central air conditioning, and a two and one-half car detached garage. The dwelling is 51 years old and is located in Chicago, Jefferson Township, Cook County. The property is classified as a class 2-03 residential property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation based on a recent sale of the subject property. In support of this argument, the appellant completed Section IV of the Residential Appeal form indicating the subject property was purchased as a contract for deed in June 2004 for a price of \$160,000. In the brief the appellant's counsel also asserted the subject was purchased for a price of \$160,000 in June 2004. To further document the sale, the appellant submitted a copy of a warranty deed from the Cook County Recorder of Deeds Office, document #0416205298. The purchase price does not appear on this document, but it has been stamped to indicate that \$160 in state real estate transfer tax had been paid. The appellant's counsel argued the subject has a market value of \$160,000 and the assessment should be calculated using the 2005 9.77% median level of assessments for class 2 property as determined by the Illinois Department of Revenue.

The appellant's attorney attached the Illinois Department of Revenue's 2005 Assessment Ratios for Cook County, PTAX-215. Using the 2005 median level of assessments, the appellant's attorney requested the subject's 2006 assessment be reduced to \$15,632.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$31,989 was disclosed. The subject's assessment reflects a market value of \$316,097 using the 2006 three year average median level of assessments for class 2 property of 10.12% as determined by the Illinois Department of Revenue.

In support of the assessment, the board of review provided information on four comparable properties to demonstrate the subject was being equitably assessed. The comparables were improved with one-story masonry dwellings with the same classification and neighborhood codes as the subject property. The dwellings ranged in size from 1,038 to 1,190 square feet of living area and ranged in age from 46 to 52 years old. Two dwellings have full finished basements, and two have full unfinished basements. Each comparable has a one and one-half car detached garage, and three dwellings have central air conditioning. These comparables had total assessments from \$31,330 to \$34,949 and improvement assessments from \$24,281 to \$27,900 or from \$23.39 to \$25.56 per square foot of living area. The subject has an improvement assessment of \$24,940 or \$22.57 per square foot of living area.

As part of its evidence, the board of review submitted a computer-generated list of sales prices and sales dates for medium size cottage/bungalow within neighborhood 71361. This list disclosed that the subject property sold in August 1993 for \$160,000 and sold again in May 2004 for \$319,900 or for \$289.50 per square foot of living area, land included. In addition, the board of review disclosed on its grid analysis that comparable one sold in December 2003 for \$260,000 or for \$245.98 per square foot of living area, land included. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Board finds it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. 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). Proof of market value may consist of an appraisal of the subject property, a recent sale of the subject property or comparable sales. (86 Ill.Admin.Code 1910.65(c)). 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). After an analysis of the evidence in the record, the Board finds the appellant has not met this burden of proof and a reduction in the subject's assessment is not warranted.

The purchase price of the subject property is at issue in this appeal. The board of review produced a computer-generated list of sales prices and sales dates for medium size cottage/bungalow within neighborhood 71361. This list shows that the subject property sold in August 1993 for \$160,000 and again in May 2004 for \$319,000. The appellant claims that the subject was purchased as a contract for deed in May 2004 for \$160,000, but he did not submit any documents showing a purchase price. The appellant produced a copy of a warranty deed that was recorded by the Cook County Recorder of Deeds Office as document #416205298 on June 10, 2004. The deed was stamped to indicate that \$160 in state real estate transfer tax had been paid. The appellant did not indicate if the purpose of this deed was to finalize a transaction begun in 1993 or for a new purchase initiated in 2004. In the absence of any better evidence contained in the record, the Board finds the subject property was purchased in May 2004 for a price of \$319,900. The subject has a total assessment of \$31,989, which reflects a market value of \$316,097 when using the 2007 three year average median level of for class 2 property of 10.04% as determined by the Illinois Department of Revenue. The subject's assessment reflects a market value below the purchase price. The Board finds the appellant has not shown the subject was overvalued by a preponderance of the evidence contained in the record.

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 22, 2011

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.