



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

APPELLANT: Joseph Kotalik
DOCKET NO.: 07-20617.001-R-1
PARCEL NO.: 16-17-317-033-0000

The parties of record before the Property Tax Appeal Board are Joseph Kotalik, the appellant(s), by attorney Stephanie Park, of Park & Longstreet, P.C. in Rolling Meadows; 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: \$5,102
IMPR.: \$4,938
TOTAL: \$10,040

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 4,725 square foot parcel of land improved with a 92-year old, one and one-half story, stucco, single-family dwelling containing 1,230 square feet of living area, two baths, and a full, finished basement. The appellant argued 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 this overvaluation argument the appellant, via counsel, submitted a copy of a printout from the recorder of deeds indicating the subject sold on March 4, 2005 for \$100,000. 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 \$23,192 was disclosed. This assessment reflects a market value of \$230,996 using the Illinois Department of Revenue's 2007 three year median level of assessment for class 2 property of 10.04%. In support of

the subject's assessment, the board of review submitted descriptions, assessment and market value information on the sale of four properties located with a quarter of a mile from the subject. These properties are described as one or one and one-half story, masonry or stucco, single-family dwellings with one or one and one-half baths, and a full basement with one finished. The properties range: in age from 79 to 91 years; in size from 778 to 1,593 square feet of living area; and in improvement assessments from \$15.59 to \$23.07 per square foot of living area. One property sold in April 2006 for \$235,000 or \$293.75 per square foot of living area. The board also included data that the subject sold in March 2005 for \$100,000. The board also included within its evidence a copy of the warranty deed for the sale of the subject property in March 2005 for \$100,000. As a result of this analysis, the board requested confirmation of the subject's assessment.

At hearing, the appellant's attorney argued that the best evidence of the subject's market value is the sale of the subject in 2005 for \$100,000. The appellant's attorney pointed out the warranty deed located within the board's evidence.

The board of review's representative, Nick Jordan, asserted that the appellant's evidence which is the printout from the recorder of deeds shows a different property identification number than the subject property. He further argued that all the evidence together does not show by a preponderance of the evidence what property identification numbers sold and when it sold. He further argued the sale was not 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 supports 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, 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.

The PTAB finds the best evidence of market value is the sale of the subject in March 2005 for \$100,000. Both the appellant and the board of review submitted evidence of this sale. The PTAB finds that the warranty deed supports the sale price and that the recorder of deeds documents incorrerctly references different property identification numbers. The PTAB further finds the

board of review did not submit any evidence to refute the arm's length nature of the sale.

Based on this record the Property Tax Appeal Board finds that the subject property had a market value of \$100,000 for the 2007 assessment year. Since market value has been determined, the Illinois Department of Revenue's 2007 three year median level of assessment for class 2 property of 10.04% shall apply and a 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

Acting 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: January 20, 2012

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.