



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

APPELLANT: Dorothy Janowicz
DOCKET NO.: 07-22304.001-R-1
PARCEL NO.: 09-14-418-002-0000

The parties of record before the Property Tax Appeal Board are Dorothy Janowicz, the appellant, by attorney Brian S. Maher, of Weis, DuBrock & Doody 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:

LAND: \$9,057
IMPR.: \$44,657
TOTAL: \$53,714

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a class 2-11 multi-family dwelling described as a 2-story masonry building containing 5,049 square feet of living area. The dwelling is 43 years old. Features of the building include a full, finished basement apartment and central air conditioning.

The appellant's appeal is based on unequal treatment in the assessment process and a recent sale. The appellant submitted information in the form of property details sheets from the assessor's office on three comparable properties. These comparables are described as 2-story masonry dwellings all 43 years old and all containing 5,049 square feet of living area. All three comparables feature full, finished basement apartments and central air conditioning. The comparables have improvement assessments of either \$8.70 or \$8.80 per square foot of living area. The subject's improvement assessment is \$11.11 per square foot of living area.

The appellant disclosed that the subject was purchased in an arm's length transaction in October, 2006, for \$535,000. 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 final assessment of \$65,151 was disclosed. The subject's assessment of \$65,151 reflects a market value of \$648,914 when applying the 2007 three year median level of assessments for Cook County Real Property Classification Ordinance class 2 property of 10.04% as determined by the Illinois Department of Revenue, which is greater than the value reflected by the sales price. The board of review presented descriptions and assessment information on four comparable properties consisting of 2-story masonry dwellings either 42 or 43 years old. The dwellings contain either 5,049 or 6,216 square feet of living area. All comparables feature full, finished basement apartments. One has central air conditioning. These properties have improvement assessments ranging from \$11.22 to \$11.96 per square foot of building area. The board of review also disclosed that the subject property was purchased in 2006 for \$535,000. The board of review presented a list of 20 class 2-11 sales from 1990-2006. 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 appellant argued the subject property is overvalued based on its October 2006 sale price. When market value is the basis of the appeal, the value must be proven by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 183, 728 N.E.2d 1256 (2nd Dist. 2000). The Board finds the appellant has overcome this burden.

The Illinois Supreme Court has defined fair cash value as 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 of property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be practically conclusive on the issue of whether an assessment is reflective of market value. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369 (1st Dist. 1983), People ex rel. Munson v. Morningside Heights, Inc, 45 Ill.2d 338 (1970), People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967); and People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945).

The Property Tax Appeal Board finds this record shows the appellant purchased the subject property for \$535,000 in October 2006, 3 months prior to the subject's January 1, 2007 assessment date. The Board finds this record is void of any evidence showing the subject's sale was not an arm's-length transaction. Based on this analysis, the Board finds the best evidence of the subject's fair market value is its October 2006 sale price of \$535,000. The

subject's assessment reflects an estimated market value of \$648,914 using Cook County's 2007 three-year median level or assessments for Class 2 residential property of 10.04%, which is considerably higher than its 2006 arm's length sale price. Therefore a reduction in the subject's assessment is warranted.

The Board gave little weight to the suggested comparables sales contained in the board of review's submission of evidence, citing lack of detailed description for comparison to the subject sale dates, proximate location, etc.

The appellant also argued unequal treatment in the assessment process. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. The record contains 7 suggested assessment comparables for the Board's consideration. They had varying degrees of similarity when compared to the subject. Their improvement assessments ranged from \$43,943 to \$74,355. After the assessment reduction granted for market value considerations, the subject property has a revised improvement assessment of \$44,657. After considering adjustments to the comparables for differences when compared to the subject, the Board finds no further reduction is warranted based upon the principals of uniformity.

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: March 18, 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.