



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

APPELLANT: Cynthia Clay
DOCKET NO.: 07-22953.001-R-1
PARCEL NO.: 25-19-226-023-0000

The parties of record before the Property Tax Appeal Board are Cynthia Clay, the appellant, 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: \$ 2,380
IMPR.: \$ 16,696
TOTAL: \$ 19,076

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 3,500 square foot parcel improved with a two-year-old, two-story, single-family dwelling of frame construction containing 2,008 square feet of living area and located in Lake Township, Cook County.

The appellant submitted evidence before the Property Tax Appeal Board claiming the subject's market value is not accurately reflected in its assessment. In support of this argument, the appellant's evidence disclosed that the subject was purchased in September 2007 for a price of \$190,000; the sale was not a transfer between family or related corporations; the subject was sold by Realtor, advertised for sale for four months with a multiple listing service, and the seller's mortgage was not assumed. In addition, the appellant submitted copies of the subject's real estate contract and special warranty deed.

The appellant's evidence disclosed that the subject property is uninhabitable in that it has no kitchen sink or countertops, no toilet, no bathtub, no heating system and no air-conditioning system in the home. In addition, the appellant's evidence

disclosed that the wood floors are badly buckled from water damage and that mold exists on the walls, ceiling and floor areas throughout the 1st level and basement. The appellant provided numerous photographs to illustrate the subject's poor condition. Based upon this information, the appellant requested an assessment reflective of a fair market value for the subject of \$190,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$22,219 was disclosed. The assessment reflects a total market value of \$221,305 for the subject, when the 2007 Illinois Department of Revenue's three-year median level of assessments of 10.04% for Class 2 property, such as the subject, is applied. In support of the assessment the board submitted property characteristic printouts and descriptive data on two properties suggested as comparable to the subject. The suggested comparables are improved with two-story, two-year-old, single-family dwellings of frame construction with the same neighborhood code as the subject. The improvements contain 2,008 square feet of living area. The comparables contain two full bathrooms and a finished basement. The improvement assessments are \$11.04 and \$11.24 per square foot of living area, respectively. The board's evidence disclosed that the subject sold in August 2005 for \$320,000. Based on the evidence presented, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a one-page letter reiterating her argument regarding the uninhabitable and extremely poor condition of the subject property.

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 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); 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 arms-length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. (86 Ill.AdM.Code §1910.65(c)) Having considered the evidence, the Board finds the appellant has satisfied this burden and a reduction is warranted.

The Board finds the subject's sale in September 2007 to be the best evidence of market value in the record. The appellant's evidence disclosed that the subject was purchased in September 2007 for a price of \$190,000; the sale was not a transfer between family or related corporations; the subject was sold by Realtor, advertised for sale from four months with a multiple listing

service, and the seller's mortgage was not assumed. In addition, the appellant submitted copies of the subject's real estate contract and special warranty deed. The Board finds the board of review failed to present any evidence to refute the arm's length nature of the sale.

Therefore, the Property Tax Appeal Board finds that the subject had a market value of \$190,000 as of January 1, 2007. The Board further finds that the 2007 Illinois Department of Revenue's three-year median level of assessments of 10.04% for Class 2 property 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 M. Louie

Member

Shawn R. Lerski

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: December 3, 2010

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.