



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

APPELLANT: Wieslaw Bednarz  
DOCKET NO.: 07-25326.001-C-1  
PARCEL NO.: 13-19-128-044-1004

The parties of record before the Property Tax Appeal Board are Wieslaw Bednarz, the appellant(s), by attorney Lisa A. Marino, of Marino & Assoc., PC 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:** \$18,024  
**IMPR:** \$94,729  
**TOTAL:** \$112,753

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a commercial condominium unit within a 4 commercial and 10 residential condominium building. The appellant, via counsel, argued that the market value of the subject property is not accurately reflected in its assessed value.

In support of this overvaluation argument the appellant submitted a copy of the settlement statement dated May 5, 2003 indicating the subject was purchased for \$250,000. 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 \$112,753 was disclosed. This assessment reflects a market value of \$296,717 using the Cook County Ordinance level of assessment of 38% for class 5a properties. In support of the subject's assessment, the board of review presented descriptions and sales information on four properties suggested as comparable. The properties are

commercial storefront buildings. They sold from August 2002 to October 2009 for prices ranging from \$150,000 to \$882,000. The board of review also included a copy of the trustee's deed for the sale of the subject in 2003. Based on this evidence, the board of review 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 subject sale in 2003. The board of review's representative argued that the sale was too aged to represent the subject's market value in 2007 and that the comparables sales support 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.

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, 331Ill.App.3d 1038 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2<sup>nd</sup> 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 not warranted.

The appellant in this appeal submitted a closing statement for the subject property showing a purchase price in May 2003. The PTAB finds this purchase date too far removed from the 2007 lien date to accurately reflect the subject's market value for 2007. In addition, the PTAB finds the board of review included sales from August 2002 to October 2009. The PTAB gives little weight to the 2002 and 2009 sales as they are too far removed from the lien date also. The remaining properties sold from February to December 2007 for prices ranging from \$165,000 to \$882,000. The PTAB finds the subject's assessment reflects a market value that is supported by these sales. Therefore, the PTAB finds the appellant failed to submit sufficient evidence to show that the subject property was overvalued and a reduction is not 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.

*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: April 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.