



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

APPELLANT: Jerzy Fidecki
DOCKET NO.: 07-26308.001-R-1
PARCEL NO.: 13-08-430-030-0000

The parties of record before the Property Tax Appeal Board are Jerzy Fidecki, the appellant, 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 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: \$6,996
IMPR.: \$26,538
TOTAL: \$33,534

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 3,300 square foot parcel with two residential improvements that are 81 years old. The larger improvement consists of a two-story masonry constructed multi-family building with two units. This building contains 1,708 square feet of living area with a partial basement with a recreation room. The second building consists of a one-story single family dwelling with 485 square feet of living area on a slab foundation. The property is classified as a class 2 property under the Cook County Real Property Assessment Classification Ordinance and is located in Chicago, Jefferson Township, Cook County.

The appellant contends both overvaluation and assessment inequity as the basis of the appeal. In support of this argument the appellant submitted a brief in support of the complaint, a copy of a settlement statement and information on four assessment equity comparables.

The appellant, via counsel, asserted the subject property was purchased in June 2004 for a price of \$334,000. The appellant submitted a copy of the settlement statement dated June 24, 2004, disclosing a purchase price of \$334,000. The settlement statement

listed the name of the appellant as the buyer and further indicated the name of the lender as Family Federal Savings of Illinois. Based on the sale the appellant requested an assessment reduction.

Alternatively, the appellant argued the subject was being inequitably assessed in relation to the assessments of other similar properties. In support of this argument, the appellant provided descriptions, copies of photographs, and assessment information on four comparables. The photographs of the comparables indicated they were improved with two story masonry buildings. The appellant indicated they had the same classification code as the subject and ranged in age from 48 to 82 years old while the subject was 81 years old. The buildings ranged in size from 2,236 to 3,000 square feet of living area. Each had a partial unfinished basement and one had central air conditioning. Each of the comparables also had a detached garage. The appellant indicated the comparables had improvement assessments that ranged from \$10.79 to \$14.74 per square foot of living area. In this analysis the appellant contends the subject had only 1,708 square feet of living area and an improvement assessment of \$19.87 per square foot of living area. 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 its final assessment of the subject totaling \$40,938 was disclosed. The subject's assessment reflects a market value of \$407,749 when using the 2007 three year median level of assessments for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10.04% as determined by the Illinois Department of Revenue. In support of the assessment the board of review prepared separate assessment equity analyses for each of the improvements on the subject property. For the larger structure the board of review provided descriptions and assessment information on four comparables improved with two-story masonry buildings that ranged in size from 3,000 to 3,611 square feet of building area. Each comparable has a partial unfinished basement, and three comparables have a one to two-and-one-half car garage. The comparables ranged in age from 54 to 79 years old. These properties had improvement assessments that ranged from \$10.79 to \$12.76 per square foot of living area. The larger improvement on the subject property had an improvement assessment of \$13.01 per square foot of living area.

With respect to the smaller improvement on the subject parcel, the board of review provided descriptions and assessment information on four comparables. Three of the comparables were improved with one-story masonry dwellings and one was improved with a 1½-story masonry dwelling that ranged in age from 50 to 82 years old. The comparables ranged in size from 798 to 846 square feet of building area. Each of the comparables has a garage. These properties had improvement assessments that ranged from \$26.02 to \$36.77 per square foot of living area. The smaller

improvement on the subject property had an improvement assessment of \$24.18 per square foot of living area.

In its submission the board of review also noted the subject property sold in June 2004 for a price of \$334,000. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After hearing the testimony and considering the evidence, the Property Tax Appeal Board finds that 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 argued, in part, overvaluation as the basis of the appeal. Property is to be assessed based on its fair cash value, which is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean 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 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). 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). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value was provided by the appellant disclosing the subject property sold in June 2004 for a price of \$334,000. The appellant stated that the parties to the transaction were not related. The appellant also submitted a copy of the settlement statement dated June 24, 2004, disclosing a purchase price of \$334,000. Additionally, the board of review indicated the subject sold in June 2004 for \$334,000. The Board finds the price as quoted by the appellant was the best supported in the record. The Board further finds the board of review did not otherwise challenge the sale as not being an arm's length transaction. Furthermore, the board of review did not provide sales data to challenge the market value as established by the June 2004 purchase price or to indicate the assessment was reflective of market value. The subject's assessment of \$40,938 reflects a market value of \$407,749 when using the 2007 three year median level of assessments for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10.04% as determined by the Illinois Department of Revenue. The

Board finds the subject's assessment is excessive in relation to the property's market value as established by the purchase price.

The appellant also challenged the subject's assessment based on a lack of uniformity. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments 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. After an analysis of the assessment data the Board finds a further reduction in the subject's assessment is not warranted on this basis, especially in light of the fact that a reduction is being granted based on the market value finding herein. In conclusion, the Property Tax Appeal Board finds the subject property had a market value of \$334,000 as of January 1, 2007. Since market value has been determined the 2007 three year median level of assessments for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10.04% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code 1910.50(c)(2)).

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: May 18, 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.