



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

APPELLANT: Kyle & Natasha Marx
DOCKET NO.: 07-29248.001-R-1
PARCEL NO.: 02-16-202-040-0000

The parties of record before the Property Tax Appeal Board are Kyle & Natasha Marx, the appellants, by attorney Christopher G. Walsh, Jr. 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: \$ 10,026
IMPR.: \$ 51,218
TOTAL: \$ 61,244**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story, single-family dwelling with 3,645 square feet of living area. The subject has frame exterior construction, a full, unfinished basement, central air conditioning, a fireplace, and a three-car attached garage. The dwelling is four years old and is located in Palatine, Palatine Township, Cook County. The property is classified as a class 2-78 residential property under the Cook County Real Property Assessment Classification Ordinance.

The appellants contend overvaluation based on a recent sale of the subject property. In support of this argument, the appellants completed Section IV of the Residential Appeal form indicating the subject property was purchased in November 2005 for a price of \$610,000. In the brief the appellants' counsel also asserted the subject was purchased for a price of \$610,000 in November 2005. To further document the sale, the appellants submitted a copy of the settlement statement from the Department of Housing and Urban Development disclosing the subject property was purchased in November 2005 for a price of \$610,000. The appellants' counsel argued the subject had a market value of \$610,000 and the assessment should be calculated using a 10% assessment ratio applied to the purchase price. Based on this

record, the appellant requested the subject's assessment be reduced to \$61,000

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$66,742 was disclosed. The subject's assessment reflects a market value of \$664,761 using the 2007 three year average median level of assessments for class 2 property of 10.04% as determined by the Illinois Department of Revenue.

In support of the assessment, the board of review provided information on four comparable properties to demonstrate the subject was being equitably assessed. The comparables were improved with two-story frame dwellings with the same neighborhood and classification codes as the subject property. The dwellings ranged in size from 3,150 to 3,711 square feet of living area and were either four or seven years old. Each comparable has central air conditioning, one or two fireplaces, and an attached garage, either two or three-car. Each dwelling has a full basement, three of which are finished. These comparables had total assessments from \$66,952 to \$75,223 and improvement assessments from \$56,532 to \$63,708 or from \$16.00 to \$17.95 per square foot of living area. The subject has an improvement assessment of \$56,716 or \$15.56 per square foot of living area.

The board of review's evidence also indicated that comparable numbered two sold in January 2006 for \$713,500 or \$193.36 per square foot of living area and comparable numbered three sold in December 2005 for \$588,428 or \$186.80 per square foot of living area. Furthermore, the board of review noted the subject property sold in November 2005 for a price of \$610,000. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Board finds 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 appellants contend 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). Proof of market value may consist of an appraisal of the subject property, a recent sale of the subject property or comparable sales. (86 Ill.Admin.Code 1910.65(c)). 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). After an analysis of the evidence in the record, the Board finds a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value in the record is the sale price of the subject property in November 2005 for a price of \$610,000 or \$167.35 per square foot of living area. The board of review submitted evidence which included two sales of dwellings that were similar to the subject in almost all respects, except each had a full finished basement; one had an additional fireplace; and one had a slightly larger lot. These sales also occurred near the time the subject sold in January 2006 and December 2005 for prices of \$713,500 and \$588,428, respectively. These sales bracket the sales prices of the subject and further indicate the subject's purchase price was reflective of market value. Based on this record, the Board finds the subject had a market value of \$610,000 as of January 1, 2007. Since market value has been established, the 2007 three year average median level of for class 2 property of 10.04% as determined by the Illinois Department of Revenue shall apply.

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. 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.