



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

APPELLANT: Brian Johnson
DOCKET NO.: 07-29492.001-R-1
PARCEL NO.: 03-20-424-006-0000

The parties of record before the Property Tax Appeal Board are Brian Johnson, 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: \$6,652
IMPR.: \$35,516
TOTAL: \$42,168

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 9,240 square foot parcel improved with a 42 year-old, two-story style frame and masonry dwelling that contains 2,405 square feet of living area. Features of the home include central air conditioning, a fireplace, a two-car garage and a partial unfinished basement. The subject is located in Arlington Heights, Wheeling Township, Cook County.

The appellant submitted evidence to the Property Tax Appeal Board claiming overvaluation and assessment inequity regarding the subject's improvements as the bases of the appeal. In support of the overvaluation argument, the appellant submitted a closing statement that details the subject's sale on September 7, 2007 for \$420,000. The appellant's petition indicated the sale was not a transfer between related parties, but the subject was advertised for sale for 5 months. The appellant also submitted two pages from a 19-page appraisal of the subject property with an estimated market value of \$430,000 as of December 7, 2007. The appraiser examined three comparable properties located 0.38 to 0.93 mile from the subject. The comparables consist of "SP3"

or two-story style dwellings that range in age from 39 to 56 years and range in size from 2,150 to 2,541 square feet of living area. These homes are situated on lots that range in size from 9,240 to 11,121 square feet of land area and have features that include central air conditioning, one or two fireplaces and two-car garages. The foundations of these homes were unclear, but the appraiser adjusted two comparables' sales prices for lack of basement finish. The comparables sold between March and July 2007 for prices of \$452,500 and \$465,000 or from \$183.00 to \$216.28 per square foot of living area including land. The appraiser adjusted the comparables for differences when compared to the subject, such as location, site, condition, foundation and other factors. After adjustments, the comparables had adjusted sales prices ranging from \$421,700 to \$438,900.

In support of the improvement inequity argument, the appellant submitted a grid analysis of four comparable properties located within two blocks of the subject. The comparables consist of two-story style frame or frame and masonry dwellings that range in age from 43 to 45 years and range in size from 2,095 to 2,502 square feet of living area. Features of the comparables include two-car garages and partial unfinished basements. Three comparables have a fireplace and three have central air conditioning. These properties have improvement assessments ranging from \$35,931 to \$41,322 or from \$15.85 to \$17.80 per square foot of living area. The subject has an improvement assessment of \$44,012 or \$18.30 per square foot of living area. Based on this evidence the appellant requested the subject's improvement assessment be reduced to \$35,048 or \$14.58 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$50,664 was disclosed. The subject has an estimated market value of approximately \$504,622 or \$209.83 per square foot of living area including land, as reflected by its assessment and the Cook County 2007 three-year median level of assessments for Class 2 property of 10.04%.

In support of the subject's improvement assessment, the board of review submitted property record cards and a grid analysis of four comparable properties located within 1/4 mile of the subject. While the board of review submitted no comparable sales or other market evidence to refute the appellant's overvaluation contention, the board of review's grid acknowledged the subject's September 2007 sale for \$420,000. The board of review's equity comparables consist of two-story style frame and masonry dwellings that range in age from 41 to 43 years and range in size from 2,435 to 2,590 square feet of living area. Features of the comparables include central air conditioning, a fireplace, two-car garages and partial basements, one of which was finished as a recreation room. These properties have improvement assessments ranging from \$46,199 to \$47,682 or from \$17.84 to \$19.05 per square foot of living area.

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 property's assessment is warranted.

The appellant first argued 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). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the appellant submitted evidence documenting the subject's September 2007 sale for \$420,000, as well as two pages from an appraisal of the subject with an estimated market value of \$430,000 as of the report's effective date of December 7, 2007. The board of review submitted no market value evidence to refute the appellant's market evidence, but did acknowledge the subject's sale. The Board gave little weight to the appellant's appraisal because the two pages submitted do not contain the name or signature of the appraiser, or supporting documentation. The Board finds the best evidence of the subject's fair market value is its September 2007 sale for \$420,000. From a review of the evidence, the Board finds this sale appears to be of an arm's-length nature. The evidence disclosed the subject property was advertised for sale on the open market, the buyer and seller were not related parties, nor were they under apparent duress to complete the transaction. The Illinois Supreme Court 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 is 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).

Furthermore, section 1-50 of the Property Tax Code defines fair cash value as:

The 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 Board thus finds the subject's market value as of January 1, 2007 was \$420,000. Since market value has been established, the

2007 Cook County three-year median level of assessments for Class 2 property of 10.04% shall apply.

The appellant also argued unequal treatment in the assessment process regarding the subject's improvements as a basis of the appeal. 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. After an analysis of the assessment data, the Board finds a further reduction in the subject's assessment beyond that based on the market value argument is not justified.

The Board finds the parties submitted eight equity comparables in support of their respective arguments. All the comparables were similar to the subject in design, age, size and most features and had improvement assessments ranging from \$35,931 to \$47,682 or from \$15.85 to \$19.05 per square foot of living area. After the reduction in the subject's assessment granted pursuant to the appellant's successful overvaluation argument discussed above, the subject has an improvement assessment of \$35,516 or \$14.77 per square foot of living area, which is below the range of all the comparables in this record. Therefore, the board finds no further reduction in the subject's improvement assessment 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 Morris

Member

J. R.

Acting 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 23, 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.