FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Frank Kimbrough
DOCKET NO.: 08-20431.001-R-1
PARCEL NO.: 20-31-422-033-0000

The parties of record before the Property Tax Appeal Board are Frank Kimbrough, the appellant, by attorney Brian S. Maher, of Weis, DuBrock & Doody 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:	$2,376
IMPR.:	$13,186
TOTAL:	$15,562

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 3-story class 2-12 mixed use building of masonry construction containing 4,098 square feet of building area. The building is 76 years old and features a partial unfinished basement and a 1-car garage. The property is located in Chicago, Lake Township, Cook County.

This property was the subject matter of an appeal before the Property Tax Appeal Board the prior year under Docket Number 07-22303.001-R-1 under the name of Cassandra Louder. The Board takes notice that it reduced the subject's 2007 assessment to $15,562 based on the March 2006 sale of the subject for $155,000. The Board further takes notice that 2007 and 2008 are within the same triennial assessment period for property in Lake Township. (86 Ill.Admin.Code §1910.90i).

The appellant's 2008 appeal is again based on overvaluation. In this appeal, the appellant again disclosed that the subject was purchased in March 2006 for $155,000 or $37.82 per square foot of building area including land. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment was disclosed. The

subject's assessment of $21,203 reflects a market value of $220,865 or $53.90 per square foot of building area including land when applying the 2008 three year median level of assessments for Cook County class 2 property of 9.60% as determined by the Illinois Department of Revenue. The board of review presented descriptions and assessment information on two equity comparables neither of which had recently sold. The board of review presented a list of 30 class 2-12 sales from 1990 through 2006 for prices ranging from $21,524 to $310,000. The board of review also indicated the subject sold in March 2006 for a price of $155,000. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the 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's assessment is warranted.

The appellant argued the subject property is overvalued based on its March 2006 sale price. When market value is the basis of the appeal, the value must be proven by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 183, 728 N.E.2d 1256 (2nd Dist. 2000). The Board finds the appellant has overcome this burden.

The Illinois Supreme Court has 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 may be 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).

The Property Tax Appeal Board finds this record shows the property was purchased in March 2006 for $155,000, 22 months prior to the subject's January 1, 2008 assessment date. The appellant's counsel claims the sale was an arm's-length transaction. This claim was not refuted by the board of review. The Board gave little weight to the list of 30 suggested comparable sales contained in the board of review's submission of evidence, citing lack of detailed description for comparison to the subject. Based on this analysis, the Board finds the sale price of $155,000 is the best evidence of market value in the record. Therefore, a reduction in the subject's assessment commensurate with the prior year's decision is appropriate.

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.

Chairman

Member

Member

Member

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: June 24, 2011

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.