



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

APPELLANT: Babatunde Owolabi
DOCKET NO.: 08-20620.001-R-1
PARCEL NO.: 14-17-210-003-0000

The parties of record before the Property Tax Appeal Board are Babatunde Owolabi, the appellant(s), by attorney Marie V. Mactal, of Law Offices of Terrence Kennedy 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: \$ 16,794
IMPR: \$ 2,406
TOTAL: \$ 19,200

Subject only to the State multiplier as applicable.

ANALYSIS

The subject has 4,248 square feet of land, which is improved with a 103 year old, three-story, masonry, multi-family dwelling. The appellant argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant submitted evidence showing that the subject sold in October 2006 for \$200,000. This evidence included a settlement statement and real estate contract. Furthermore, the appellant's pleadings state that the subject was in very poor condition and the sale price reflected the subject's poor condition. In support, the appellant submitted color photographs of the subject's interior which were dated October and November 2006. Lastly, the appellant submitted a signed and dated affidavit attesting to the fact that the subject has been undergoing renovations throughout 2007 and is mostly vacant, unused and not rented. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The Cook County Board of Review submitted its "Board of Review-Notes on Appeal," wherein the subject's total assessment of \$72,057 was disclosed. In support of the subject's

assessment, the board of review submitted descriptive and assessment information for four properties suggested as comparable to the subject. The comparables are described as three-story, masonry, single-family dwellings. Additionally, the comparables range: in age from 93 to 108 years; in size from 4,014 to 4,800 square feet of living area; and in improvement assessments from \$13.02 to \$16.57 per square foot of living area. The comparables also have several amenities. The board of review's grid sheet also states that the subject sold in September 2006 for \$200,000, or \$47.05 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant's attorney, Mr. Terrence Kennedy, confirmed sale of the subject in October 2006 for \$200,000 and the poor condition of the subject property. The attorney stated that subject's market value per the board of review was \$200,000 for the 2006 and 2007 tax years. Per the appellant's affidavit, renovations have been ongoing since purchase of the subject and the board of review has not submitted any proof of change of condition since sale. The board of review analyst, Mr. Nicholas Jordan, stated that the sale of the subject in 2006 is "too old" to be considered for this appeal, evidence of permits regarding porches in March 2007 and inspection of the subject in April 2008 confirm the current assessed value and market value.

After reviewing the record, considering the evidence, and hearing the testimony, the Property Tax Appeal Board (the "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. Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 339 Ill. App. 3d 529, 545 (1st Dist. 2002); National City Bank of Michigan/Illinois v. Prop. Tax Appeal Bd., 331 Ill. App. 3d 1038, 1042 (3d Dist. 2002) (citing Winnebago Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 313 Ill. App. 3d 179 (2d Dist. 2000)); 86 Ill. Admin. Code § 1910.63(e). 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. Calumet Transfer, LLC v. Prop. Tax Appeal Bd., 401 Ill. App. 3d 652, 655 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(c). Having considered the evidence presented, the Board finds that the evidence indicates a reduction is warranted.

In determining the fair market value of the subject property, the Board finds the best evidence to be the sale of the subject in October 2006 for \$200,000. The sale is within 15 months of the 2008 lien date and the present condition of the subject supports the sale price in 2006 per appellant's evidence. The Board gives little weight to the board of review's evidence as it did not address the appellant's market value argument and change of condition and market value since the sale date.

Therefore, the Board finds the subject had a market value of \$200,000 for the 2008 assessment year. Since the market value of this parcel has been established, the 2008 Illinois Department of Revenue three year median level of assessment for Class 2 property of 9.60% will apply. 86 Ill. Admin. Code § 1910.50(c)(2)(A). In applying this level of assessment to the subject, the total assessed value is \$19,200, while the subject's current total assessed value is above this amount. Therefore, the Board finds that a reduction 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.

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: September 20, 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.