



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

APPELLANT: Michael Lavin
DOCKET NO.: 08-20836.001-R-1
PARCEL NO.: 14-28-112-034-1003

The parties of record before the Property Tax Appeal Board are Michael Lavin, the appellant, by attorney Katherine A. O'Dell of Amari & Locallo, 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: \$3,997
IMPR.: \$35,833
TOTAL: \$39,830

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a residential condominium located in 6-unit condominium building that is approximately four years old. The subject property has a 16.67% ownership interest in the condominium. The property is a class 2-99 residential condominium under the Cook County Real Property Assessment Classification Ordinance (hereinafter "Ordinance") and is located in Chicago, West Chicago Township, Cook County. Class 2-99 property has an Ordinance level of assessment for the 2008 tax year of 16%.

The appellant's appeal is based on overvaluation for the 2008 tax year. In support of this argument the appellant submitted evidence disclosing the subject property was purchased in May 2006 for a price of \$414,900. The appellant completed a portion of Section IV - Recent Sale Data of the appeal stating the parties to the transaction were not related, the property was sold using a Realtor and the property had been advertised on the open market through the multiple listing service although there was no indication how long the property had been exposed to the market. In further support of the transaction the appellant submitted a copy of the settlement statement disclosing the property sold in May 2006 for a price of \$414,900. The settlement statement indicated a sales/broker's commission in the

amount of \$20,745 was paid. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$30,703

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$44,175 was disclosed. The subject's assessment reflects a market value of \$460,156 when applying the 2008 three year average median level of assessments for class 2 property under the Ordinance of 9.60% as determined by the Illinois Department of Revenue.

In support of the assessment the board of review submitted an analysis prepared by Matt Panush, an analyst with the Cook County Board of Review. He indicated the total consideration for the sale of two units in the subject's condominium from 2005 to 2008 was \$813,500. The sales used by the board of review sold in November 2007 and May 2008 for prices of \$378,500 and \$435,000, respectively. The analyst deducted \$16,270 or 2% from the total consideration to account for personal property to arrive at a total adjusted consideration of \$797,230. Dividing the total adjusted consideration by the percentage of interest of ownership in the condominium for the units that sold of 33.33% indicated a full value for the condominium property of \$2,291,929. The analyst then applied the percentage of interest the subject unit had in the condominium of 16.67% to arrive at a full value for the subject property of \$398,734, which is less than the subject's May 2006 purchase price and less than the market value reflected by the subject's assessment. 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 the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. Fair cash value 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); 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). 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 to be the purchase of the subject property in May 2006 for a price of \$414,900. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction nor did the board of review refute the contention that the purchase price was reflective of market value. The Board finds the two sales used by the board of review support the conclusion that the subject's purchase price was indicative of market value. Based on this record the Board finds the subject property had a market value of \$414,900 as of January 1, 2008. Since market value has been determined the 2008 three year average median level of assessments for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 9.60% 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: November 22, 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.