



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

APPELLANT: Bernard Collins
DOCKET NO.: 08-21016.001-R-1
PARCEL NO.: 11-32-104-038-1017

The parties of record before the Property Tax Appeal Board are Bernard Collins, 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: \$ 848
IMPR: \$ 14,874
TOTAL: \$ 15,722

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a residential condominium unit with a 6.96% ownership interest in a 69-year-old, residential condominium building situated on a 75,001 square foot parcel located in Rogers Park Township, Cook County.

The appellant, Bernard Collins, appeared before the Property Tax Appeal Board arguing that the subject's fair market value is not accurately reflected in its assessment. In support of this argument, the appellant testified that the subject was purchased in September 2006 for a price of \$163,770; the sale was not a transfer between family or related corporations; the subject was sold by Realtor, the property was advertised for sale for three months with a multiple listing service and the seller's mortgage was not assumed. In addition, the appellant submitted a copy of the subject's real estate sales contract.

In addition, the appellant submitted three sales and one listing of residential condominium units located within the subject's building. The three sales occurred between February 2007 and April 2009 for prices ranging from \$67,500 to \$145,000. The

appellant's evidence disclosed that Sale 1 was a bank owned short sale and not an arm's length transaction.

At hearing, the appellant testified that the subject unit contains approximately 1,200 square feet of living area, whereas, the appellant's comparables contain approximately 1,000 square feet. Based on the evidence submitted, 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 total assessment of \$16,999 was disclosed. The subject's assessment reflects a fair market value of \$177,073 when applying the 2008 three-year median level of assessments of 9.60% for Cook County class 2 properties as determined by the Illinois Department of Revenue. In support of its assessment of the subject property, the board of review presented a sales analysis that consisted of three units located within the subject's building which sold between 2005 and 2007. The total consideration for the three sales was \$463,770. Of that amount \$9,273, or 2% per unit, was deducted for personal property. Thus, the total adjusted sales price for the real estate was calculated to be \$454,497. The board then adjusted the sales price by applying the total of the percentages of ownership of the units which sold, or 16.9%, to conclude a total market value for the subject building of \$2,689,331. Multiplying this amount by the subject's percentage of ownership of 6.96% resulted in a value for the subject unit of \$187,177. In addition, the board's evidence disclosed that the subject sold in September 2006 for \$163,770 and that the subject's sale was utilized in the board of review's sales analysis.

At hearing, the board's representative stated that the board of review would rest on the written evidence submissions. Based on the evidence presented, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a one-page letter as well as three new comparable properties and argued that they further supported a reduction in the subject's assessment.

After hearing the testimony and considering the evidence, the Property Tax Appeal Board finds it has jurisdiction over the parties and the subject matter of this appeal.

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); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arms-length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. (86 Ill.Adm.Code §1910.65(c)) Having reviewed the record and considering the evidence, the Board finds the appellant has met this burden.

Regarding the appellant's rebuttal evidence, the Property Tax Appeal Board did not consider the three new comparables submitted in rebuttal. Section 1910.66 (c), of the Official Rules of the Property Tax Appeal Board states in part, "Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties." 86 Ill. Adm. Code §1910.66(c). Therefore, the Property Tax Appeal Board is precluded from considering the new comparables submitted as rebuttal evidence.

Next, the appellant testified that the subject was purchased in September 2006 for a price of \$163,770; the sale was not a transfer between family or related corporations; the subject was sold by Realtor, the property was advertised for sale for three months with a multiple listing service and the seller's mortgage was not assumed. In addition, the appellant submitted a copy of the subject's real estate sales contract. The Board finds the subject's September 2006 sale for \$163,770 to be the best evidence of market value contained in the record. The Board further finds the board of review failed to present any evidence to refute the arm's length nature of the sale.

Therefore, the Property Tax Appeal Board finds that the subject had a market value of \$163,770 as of January 1, 2008. The Board further finds that the 2008 Illinois Department of Revenue's three-year median level of assessments of 9.60% for Class 2 property shall apply and 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

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: June 24, 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.