



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

APPELLANT: Jennifer & Charles Lawless
DOCKET NO.: 08-22319.001-R-1
PARCEL NO.: 05-17-406-006-0000

The parties of record before the Property Tax Appeal Board are Jennifer & Charles Lawless, the appellants, by attorney Christopher G. Walsh, Jr. in Chicago, and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$ 21,900
IMPR.: \$ 79,185
TOTAL: \$ 101,085

Subject only to the State multiplier as applicable.

ANALYSIS

The subject has 7,500 square feet of land that is improved with a 114 year old, two-story, stucco, single-family dwelling. The subject's improvement size is 2,444 square feet of living area, and its total assessment is \$101,085. This assessment yields a fair market value of \$1,052,969, or \$430.84 per square foot of living area (including land), after applying the 2008 Illinois Department of Revenue three year median level of assessment for Class 2 properties of 9.60%. The appellants, via counsel, argued that the fair market value of the subject property was not accurately reflected in its assessed value as the basis of this appeal.

In support of the market value argument, the appellants submitted evidence showing that the subject sold in December 2004 for \$550,000. This evidence included a printout from the Cook County Recorder of Deeds website. The appellants failed to submit a contract or closing statement detailing the

circumstances surrounding the transaction. The appellants also argued that the Cook County Board of Review granted relief in the prior year due to the recent purchase, therefore, that reduction should be carried forward for the 2008 tax year as this is homestead property. Based on this evidence, the appellants 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 \$101,085 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 two-story or multi-story, frame and masonry or stucco, single-family dwellings. Additionally, the comparables range: in age from 38 to 104 years; in size from 1,674 to 2,514 square feet of living area; and in improvement assessments from \$26.14 to \$35.32 per square foot of living area. The comparables also have several amenities.

The board of review's grid sheet also states that Comparable #4 sold in December 2005 for \$578,000, or \$345.28 per square foot of living area, including land. 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 (the "Board") finds that it has jurisdiction over the parties and the subject matter of this appeal.

When overvaluation is claimed, the appellants have 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 not warranted.

In determining the fair market value of the subject property, the Board finds appellants' sale date of value too far removed from the lien date to accurately reflect the subject's market value as of January 1, 2008. The sale is over three years old and the appellant failed to provide any sales comparables or an appraisal as evidence to support that this sale is at market value as of January 1, 2008. Moreover, the appellants failed to provide a contract or closing statement for this transaction.

As a final note, this Board does not give any weight or consideration to any prior action by a local board of review.

Accordingly, in determining the fair market value of the subject property, the Board finds that the appellants failed to submit sufficient evidence to show the subject was overvalued. Therefore, the Board finds that the appellants have not met its burden by a preponderance of the evidence and that the subject does not warrant a reduction based upon the market data submitted into evidence.

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: July 18, 2014



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.