



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

APPELLANT: Mohammad Arman
DOCKET NO.: 08-22956.001-R-1
PARCEL NO.: 09-24-426-003-0000

The parties of record before the Property Tax Appeal Board are Mohammad Arman, 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: \$7,236
IMPR.: \$38,364
TOTAL: \$45,600

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 1-story dwelling of masonry construction containing 1,011 square feet of living area. The dwelling is 53 years old. Features of the home include a partial unfinished basement and a 1-car garage.

The appellant's appeal is based on overvaluation based on a recent sale and comparable sales. Although the appellant marked "comparable sales" on the appeal form, since no sales were submitted this will be handled as unequal treatment in the assessment process.

In support of the overvaluation argument, the appellant disclosed the subject was purchased in September 2008 for \$475,000.

In support of the equity argument the appellant submitted information on four comparable properties none of which had recently sold. These properties are described as 1½ or 2-story masonry or frame and masonry dwellings either 52 or 53 years old. The comparable dwellings range in size from 1,250 to 1,684 square feet of living area. All comparables have central air conditioning and 2-car garages. The appellant did not include any data concerning basements for the comparables. The comparables have improvement assessments ranging from \$19.74 to \$22.03 per square foot of living area. The subject's improvement assessment is \$43.00 per square foot of living area. Based on

this evidence, the appellant requested a reduction in the subject's improvement 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 \$50,712 reflects a market value of \$528,250 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 also presented descriptions and assessment information on four comparable properties, none of which had recently sold. These properties are described as 1-story masonry dwellings that range in age from 52 to 55 years old. The dwellings range in size from 1,018 to 1,068 square feet of living area. One comparable features a full unfinished basement, two are on crawl-space foundations and one is built on a slab foundation. These properties have improvement assessments ranging from \$24.08 to \$26.14 per square foot of living area. The board of review disclosed the subject property was purchased previously in November 2005 for \$350,000. The board of review also submitted as evidence three building permits issued in 2006 indicating there was demolition, remodeling and new construction of a 2-story addition. These permits are supported by the photographic evidence showing a 2-story dwelling on this parcel. The board of review also presented a list of 20 class 2-03 sales from 1990 through 2008 for prices ranging from \$117,634 to \$698,000. 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 September 2008 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 appellant purchased the subject property for \$475,000 in September 2008, 9 months after the subject's January 1, 2008 assessment date. The appellant states the sale was not between family or related corporations, was through a realtor, was advertised in MLS for a year, and was sold in settlement of an installment contract. The board of review did not submit any comparable sales. The Board gave little weight to the list of 20 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 \$475,000 is the best evidence of market value in the record. Since the subject's assessment reflects a market value of \$528,250 which is greater than the recent sale price, a reduction in the subject's assessment based on overvaluation is warranted.

Since market value has been determined the 2008 three-year median level of assessments for Class 2 residential property under the Cook County Real Property Assessment Classification Ordinance of 9.60% as determined by the Illinois Department of Revenue shall apply.(86 Ill.Admin.Code §1910.50(c)(2)). The revised improvement assessment after reduction for overvaluation is \$38,364 or \$37.95 per square foot of living area.

The appellant also contends unequal treatment in the subject's improvement assessment as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the Board finds the appellant has not met this burden.

All four of the comparables submitted by the appellant were 1½ or 2-story dwellings much larger than the subject. The appellant did not provide any information on the basements/foundations of the comparables. Three of the four comparables submitted by the board of review lacked basements. Therefore, these comparables received less weight in the Board's analysis. The Board finds only comparable #3 submitted by the board of review was similar to the subject in size, style, exterior construction, features and age. Due to its similarity to the subject, this comparable received the most weight in the Board's analysis. This comparable had an improvement assessment of \$26.14 per square foot of living area. The subject's revised improvement assessment after reduction for overvaluation of \$37.95 per square foot of living area is above this most similar comparable. Given the remodeling and addition to the subject as evidenced by the building permits and photograph, the Board finds this higher assessment to be justified and no further reduction based on equity 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 M. Louie

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.