



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

APPELLANT: William LeFebve
DOCKET NO.: 08-25576.001-R-1
PARCEL NO.: 01-28-208-021-0000

The parties of record before the Property Tax Appeal Board are William LeFebve, the appellant, by attorney Timothy C. Jacobs, of Gary H. Smith PC 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: \$ 11,652
IMPR.: \$ 58,297
TOTAL: \$ 69,949**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story, single-family dwelling with frame and masonry construction. The dwelling is one year old and contains 3,625 square feet of living area. Features of the home include a full unfinished basement, central air conditioning, a fireplace, and a three-car attached garage. The property is classified as a class 2-78 residential property¹ under the Cook County Real Property Assessment Classification Ordinance and is located in South Barrington, Barrington Township, Cook County.

The appellant is basing this appeal on overvaluation as well as on a contention of law. The appellant's attorney claims the subject property is overvalued based upon a recent sale of the subject property, and counsel submitted a brief in support of this argument. When the appellant's attorney completed Section 2d of the residential appeal form, counsel indicated the subject property was purchased in April 2008 for a price of \$873,857 or \$241.06 per square foot of living area, land included. The appellant's attorney did not fully complete Section IV of the residential appeal form. However, counsel did indicate the name of the seller, the purchase price, the date of the sale, and that the sale was not a transfer between related parties. To further

¹ Class 2-78 is a two or more story residence, up to 62 years of age, 2,001 to 3,800 square feet.

document the sale, the appellant's attorney submitted a copy of the settlement statement form provided by the U.S. Department of Housing and Urban Development, HUD-1, dated April 17, 2008, indicating that the appellant purchased the dwelling directly from the builder. The appellant's attorney also produced a copy, not dated and untitled, of what counsel referred to as an "assessor face sheet" which showed that an occupancy factor of 70.8% had been applied to the 2008 assessment.

In support of the contention of law, the appellant's attorney submitted a brief wherein counsel argued that the subject had a market value of \$873,857 and the assessment should be calculated by applying the 10% median level of assessment for Class 2 residential property in Cook County. Counsel also stated that the subject property had an occupancy factor of 70.8% for 2008 and that the occupancy factor should only be applied to the subject's 2008 improvement assessment. The appellant's attorney requested that the subject's 2008 improvement assessment be reduced to \$53,618 and that the subject's total assessment for 2008 be reduced to \$65,270 as follows:

87,385	assessed value at 10% of sale price of \$873,857
<u>-11,652</u>	land assessment
75,733	improvement assessment at 100% occupancy
<u>x 70.8%</u>	occupancy factor for 2008
53,618	improvement assessment at 70.8% occupancy
<u>+11,652</u>	land assessment
65,270	total assessment reflecting 70.8% occupancy

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment for 2008 of the subject totaling \$69,949 was disclosed. The subject's total assessment of \$69,949 reflects a market value of \$728,635 or \$201.00 per square foot of living area, land included, using the 2008 three-year average median level of assessments for class 2 property in Cook County of 9.60% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.50(c)(2)).

In support of its assessment, the board of review provided information on four comparable properties to demonstrate the subject was being equitably assessed. The board of review also provided a list of twenty sale properties, and one of the sale properties on this list was the subject property. The subject property sold in April 2008 for \$873,857 or for \$241.06 per square foot of living area, land included. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Board finds it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds the evidence in the record does not support 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. 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). Proof of market value may consist of an appraisal of the subject property, a recent sale of the subject property or comparable sales. (86 Ill.Admin.Code 1910.65(c)). 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). After an analysis of the evidence in the record, the Board finds the appellant has met this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the best evidence of market value in the record is the sale of the subject property in April 2008 for a price of \$873,857 or for \$241.06 per square foot of living area, land included.

For 2008, the subject has a land assessment of \$11,652, an improvement assessment of \$58,297, and a total assessment of \$69,949. The total assessment of \$69,949 reflects a market value of \$728,635 or \$201.00 per square foot of living area, land included, using the 2008 three-year average median level of assessments for class 2 property in Cook County of 9.60% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.50(c)(2)). The subject's market value as reflected by its assessment is less than the purchase price. Based on the information in the record, no further 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: May 18, 2012

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.