



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

APPELLANT: Mark Lohman
DOCKET NO.: 08-26081.001-R-1
PARCEL NO.: 27-06-315-006-0000

The parties of record before the Property Tax Appeal Board are Mark Lohman, 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: \$8,223
IMPR.: \$28,721
TOTAL: \$36,944

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of 11,422 square feet of land area is improved with a two-story masonry exterior constructed single family dwelling that is 4 years old. The dwelling contains 3,117 square feet of living area with a full unfinished basement. Additional features include central air conditioning, a fireplace and a three-car garage. The property is classified as a class 2-78 two or more story residence, up to 62 years of age, 2,001 to 3,800 square feet, under the Cook County Real Property Assessment Classification Ordinance. The subject property is located in Orland Park, Orland Township, Cook County.

The appellant's appeal contends the market value of the subject property is not accurately reflected in its assessed valuation. In accordance with Section IV of the Residential Appeal petition regarding recent sale data, the appellant reported that the subject property was purchased in January 2005 for \$389,248. The purchase was made from Orchard Hill Building Company, purchased from the builder, and the parties to the transaction were not related. In further support of the purchase price, the appellant provided a copy of the Settlement Statement reflecting the contract sales price of \$384,834 with a gross amount due seller of \$389,248 and a closing date of January 11, 2005.

Based on this evidence, the appellant requested a total assessment of \$38,925.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$46,499 was disclosed. The total assessment of the subject property reflects a market value of approximately \$484,365 or \$155.39 per square foot of living area using the 2008 three-year median level of assessments for Class 2 property in Cook County of 9.60%.

In support of the subject's estimated market value as reflected by its assessment, the board of review submitted a grid analysis of three comparable properties with copies of property characteristic sheets of the subject and comparables. The grid analysis providing assessment data for the subject and three comparables is not responsive to the appellant's overvaluation argument. Only comparable #2 described as a two-story masonry dwelling that was 4 years old with 3,117 square feet of living area, a full unfinished basement, central air conditioning, a fireplace and a three-car garage reportedly sold in August 2005 for \$415,130 or \$133.18 per square foot of living area including land. In addition, in the grid analysis the board of review reported the subject's sale from January 2005.

Also attached to the board of review's data was a printout of 20 sales identified only by parcel number and entitled "Class 78 2+ story modern size residence within neighborhood 28011 of Township Orland." Among this listing was the January 2005 sale of the subject property for \$384,834. The remaining 19 properties sold between December 2004 and May 2007 for prices ranging from \$335,549 to \$431,041. No other descriptive data for these 19 properties was presented.

Based on the foregoing evidence, the board of review requested confirmation of the subject's 2008 estimated market value as reflected by its 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 that a reduction in the subject's assessment is warranted.

The appellant argued that the subject's assessment was not reflective of market value. 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). The Board finds this burden of proof has been met and a reduction in the subject's assessment is warranted.

The appellant submitted the January 2005 purchase price of the subject property for approximately \$384,834 or for \$123.46 per square foot of living area including land pursuant to the

contract sales price. The board of review submitted this same purchase price of the subject property. The issue before the Property Tax Appeal Board is the best evidence of the subject's market value as of the January 1, 2008 assessment date which is the date of valuation at issue in this matter. Neither party presented any recent sales data of properties similar to the subject property to establish an estimated market value as of the assessment date at issue.

The Property Tax Appeal Board further finds the only other descriptive market value evidence in the record concerns board of review comparable #2 which sold in August 2005, a mere 8 months after the subject's, for a price of \$415,130 or \$133.18 per square foot of living area including land. While the subject's market value evidence is three years distant from the assessment date at issue of January 1, 2008, the board of review did not challenge the arm's length nature of the sale transaction of the subject property or provide more recent sale data to support the subject's estimated market value as reflected by its assessment.

Ordinarily, property is valued based on its fair cash value (also referred to as fair market value), "meaning the amount the property would bring at a voluntary sale where the owner is ready, willing, and able to sell; the buyer is ready, willing, and able to buy; and neither is under a compulsion to do so." Illini Country Club, 263 Ill.App.3d at 418, 635 N.E.2d at 1353; see also 35 ILCS 200/9-145(a). The Illinois Supreme Court has held that a contemporaneous sale of the subject property between parties dealing at arm's length is relevant to the question of fair market value. People ex rel. Korzen v. Belt Ry. Co. of Chicago, 37 Ill.2d 158, 161, 226 N.E.2d 265, 267 (1967). 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).

In light of this holding, the Board finds that the January 2005 sale of the subject property supports the appellant's contention that the subject property was overvalued. The subject has an estimated market value of \$484,365 based on its assessment which is substantially greater than its January 2005 sale price of approximately \$384,834. The Property Tax Appeal Board finds that the subject's purchase price of \$384,834 is the best evidence of the subject's market value in this limited record.

Based on the foregoing analysis, the Property Tax Appeal Board finds the appellant has established that the subject property is overvalued based on its assessment and a reduction in the subject's assessment is warranted. Since market value has been determined the 2008 three-year median level of assessments for

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Class 2 property in Cook County as determined by the Illinois Department of Revenue of 9.60% shall apply. (86 Ill.Admin.Code §1910.50(c)(2)(a)).

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.



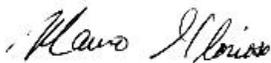
Chairman



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: March 23, 2012



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.