



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

APPELLANT: Joseph Smrz
DOCKET NO.: 08-27205.001-R-1
PARCEL NO.: 32-20-325-004-0000

The parties of record before the Property Tax Appeal Board are Joseph Smrz, the appellant, by attorney William I. Sandrick, of Sandrick Law Firm LLC in South Holland; 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: \$1,649
IMPR.: \$8,422
TOTAL: \$10,071

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 2-story dwelling of frame construction containing 1,914 square feet of living area. The dwelling is 98 years old. Features of the home include a full unfinished basement and a 1-car garage. The property has a 3,750 square foot site and is located in Chicago Heights, Bloom Township, Cook County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on September 18, 2007 for a price of \$35,000. The appellant partially completed Section IV - Recent Sale Data of the appeal disclosing date and amount of the sale, the seller, the sale was by owner and not between related parties, and the seller's mortgage was not assumed. In further support of the transaction the appellant submitted a copy of the settlement statement. In an attached letter, the appellant's attorney contends the sale was an arm's-length transaction. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$10,071 was disclosed. The subject's assessment reflects a market value of

\$104,906 or \$54.81 per square foot of living area, including land, when applying the 2008 three year average median level of assessments for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 9.6% as determined by the Illinois Department of Revenue.

In support of the assessment the board of review submitted information on four equity comparables, one of which was a sale. This comparable is described as a 118 year old 2-story frame dwelling containing 1,912 square feet of living area. Features of the dwelling include a full unfinished basement and a 2-car garage. The comparable sold in April, 2007 for \$128,500 or \$67.21 per square foot of living area, including land. The board of review also submitted a listing of 20 sales which occurred from 1991 through 2007 for prices ranging from \$18,750 to \$325,000. This data lacked any further descriptive information as to these properties such as age, design, exterior construction, dwelling size and/or features. 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 not warranted.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean 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 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). Furthermore, the sale of a property during the tax year in question is a relevant factor in considering the validity of the assessment. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369, 375 (1st Dist. 1983). 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); 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellant has not met this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the appellant stated in Section IV of the appeal form that the subject was sold by owner. The appellant did not indicate if the subject was advertised for sale or for how long. Based on the settlement statement, no realtors were involved in the transaction. Because there is no evidence of market exposure, the subject's sale cannot be deemed to be an arm's-length transaction and other market value evidence is pertinent to determining the subject's estimated market value. The Board gave little weight to the subject's sale due to the fact the sale did not have the elements of an arm's length transaction, was sold by owner and with no indication it was advertised or exposed on the open market. The Board also gave no weight to the board of review's list of sales, lacking specifics to compare them to the subject.

The Board further finds the board of review comparable #2 detracts from the subject's 2007 sale. This comparable is similar to the subject in location, size, style, exterior construction, features and age. This property also sold proximate in time to the assessment date at issue. Due to the similarities to the subject, this comparable received the most weight in the Board's analysis. The comparable sold for \$128,500 or \$67.21 per square foot of living area, including land. The subject's assessment reflects a market value of \$104,906 or \$54.81 per square foot of living area, including land, which is less than best comparable sale in this record.

Based on this record the Board finds the subject's assessment is reflective of market value and a reduction in the subject's assessment is not justified.

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

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: July 19, 2013

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.