



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

APPELLANT: Jack Szwob & Jacek Kulas
DOCKET NO.: 08-27466.001-R-1
PARCEL NO.: 04-03-107-007-0000

The parties of record before the Property Tax Appeal Board are Jack Szwob & Jacek Kulas, 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 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: \$18,750
IMPR.: \$10,050
TOTAL: \$28,800

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 23,438 square foot parcel of land improved with a 52 year-old, one-story, frame, single-family dwelling containing 1,789 square feet of living area. Features include one-car garage and a partial, finished basement.

The appellants contends that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellants submitted a copy of the closing statement. The closing statement indicating the subject sold in August 2008 for \$300,000. The appellant also completed Section IV-Recent Sale Data stating the property sold on August 12, 2008 for a price of \$300,000. The appellant indicate the sale of this property was not a transfer between family or related corporations. As a final point the appellant assented they submitted a copy of the Illinois Estate Transfer Declaration (PTAX-200) documenting the sale. A copy of the transfer declaration was contained within the Board of Review's evidence. The transfer declaration stated the property had been

advertised for sale. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The Board of Review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$60,845. This assessment reflects a market value of \$633,802 when using the 2008 three year average median assessments for class 2 property as determined by the Illinois Department of Revenue 9.60%. The Board of Review also submitted a grid analysis listing characteristics and assessment data for four properties suggested as comparable to the subject. These properties are one-story, frame, single-family dwellings and are located within one-fourth mile of the subject. The properties range in size from 52 to 56 year old and in size from 1,420 to 1,618 square feet of living area. Features include: one or two-car garage, a fireplace for three properties, air conditioning for two properties and partial unfinished basement or full, finished basement for three properties. The improvement assessments range from \$23.56 to \$25.74 per square foot of living area. The board's grid also reference the sale of the subject in May, 2006 for \$690,000, Comparable #1 sold for \$650,000 in June, 2006 and Comparable #4 sold for \$601,000 in September, 2005. As a result of its analysis, the board requested confirmation of the subject's assessment.

After considering the evidence and reviewing the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). 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. 86 Ill.Admin.Code 1910.65(c). Having considered the evidence presented, the PTAB concludes that the evidence indicates a reduction is warranted.

In determining the fair market value of the subject property, the PTAB finds the best evidence to be the sale of the subject property in August 2008 for \$300,000. The Board further finds the Board of Review failed to present any evidence to refute the arm's length nature of the August, 2008 sale.

Therefore, the PTAB finds that the subject property had a market value of \$300,000 as of January 1, 2008. Since the market value of the subject has been established, The Department of Revenue three year median level of assessment for Cook County Class 2 property of 9.60% will apply. Therefore, the PTAB finds that a 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

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.