FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Patricia & Jack McCabe
DOCKET NO.: 08-27573.001-R-1 through 08-27573.004-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Patricia & Jack McCabe, the appellant(s), by attorney Jason T. Shilson, of O'Keefe Lyons & Hynes, LLC 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
08-27573.001-R-1	03-32-207-021-0000	3,492	12,359	$ 15,851
08-27573.002-R-1	03-32-207-022-0000	3,189	12,359	$ 15,548
08-27573.003-R-1	03-32-207-023-0000	3,189	12,359	$ 15,548
08-27573.004-R-1	03-32-207-024-0000	3,189	12,359	$ 15,548

Subject only to the State multiplier as applicable.

ANALYSIS

The subject has 11,261 square feet of land, which is improved with a 37 year old, two-story, masonry, apartment building. The subject's improvement size is 4,292 square feet of building area, which equates to an improvement assessment of $14.82 per square foot of building area. Its total assessment is $76,663, which yields a fair market value of $798,573, or $186.06 per square foot of building area (including land), after applying the 2008 Illinois Department of Revenue three year median level of assessment for Class 2 properties of 9.60%. The appellant, via counsel, argued that there was unequal treatment in the assessment process of the subject's improvement, and also that the fair market value of the subject property was not accurately reflected in its assessed value as the bases of this appeal.

In support of the equity argument, the appellant submitted descriptive and assessment information for four properties suggested as comparable to the subject. The comparables are described as two-story, frame or masonry, apartment buildings. Additionally, the comparables range: in age from 39 to 47 years; in size from 2,952 to 7,416 square feet of building area; and in

improvement assessments from $8.74 to $12.34 per square foot of building area. The comparables also have various amenities.

In support of the market value argument, the appellant submitted evidence showing that the subject sold in October 2005 for $651,000. This evidence included a settlement statement and a printout from the Cook County Recorder of Deeds' website. The appellant's pleadings do not provide any information as to whether the sale of the subject was an arm's-length transaction. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The Cook County Board of Review submitted its "Board of Review-Notes on Appeal," wherein the subject's total assessment of $76,663 was disclosed. In support of the subject's assessment, the board of review submitted descriptive and assessment information for one property suggested as comparable to the subject. The comparable is described as a two-story, masonry, apartment building. Additionally, the comparable is 47 years old, and has 2,927 square feet of building area. The comparable's improvement assessment is $16.09 per square foot of building area. The comparable also has various amenities. The board of review's grid sheet also states that the subject sold in October 2005 for $162,750, or $37.92 per square foot of living area, including land. 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 (the "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. Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 339 Ill. App. 3d 529, 545 (1st Dist. 2002); National City Bank of Michigan/Illinois v. Prop. Tax Appeal Bd., 331 Ill. App. 3d 1038, 1042 (3d Dist. 2002) (citing Winnebago Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 313 Ill. App. 3d 179 (2d Dist. 2000)); 86 Ill. Admin. Code § 1910.63(e). 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. Calumet Transfer, LLC v. Prop. Tax Appeal Bd., 401 Ill. App. 3d 652, 655 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(c). "[A] contemporaneous sale between parties dealing at arm's length is not only relevant to the question of fair cash market value, (citations) but would be practically conclusive on the issue of whether an assessment was at full value." People ex rel. Korzen v. Belt Ry. Co. of Chi., 37 Ill. 2d 158, 161 (1967). Having considered the evidence presented, the Board finds that the evidence indicates a reduction is warranted.

In determining the fair market value of the subject property, the Board finds the best evidence to be the undisputed sale of the

subject in October 2005 for $651,000, as the sale is within 26 months of the 2008 lien date. No evidence was submitted to explain why the parties had a different sale price for the subject. In the absence of such evidence, the Board will rely on the appellant's evidentiary submissions, showing the subject was sold for $651,000. The board of review provided no evidence to support its sales price, and the appellant's sale price is higher than the board of review's unsupported sale price.

Therefore, the Board finds the subject had a market value of $651,000 for the 2008 assessment year. Since the market value of this parcel has been established, the 2008 Illinois Department of Revenue three year median level of assessment for Class 2 property of 9.60% will apply. 86 Ill. Admin. Code § 1910.50(c)(2)(A). In applying this level of assessment to the subject, the total assessed value is $62,496, while the subject's current total assessed value is above this amount. Therefore, the Board finds that a reduction is warranted. Since the subject's market value has been determined, the Board finds that the subject is now fairly and equitably assessed.

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: November 22, 2013

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.