



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

APPELLANT: Stacey Lancaster
DOCKET NO.: 08-29243.001-R-1
PARCEL NO.: 29-02-422-006-0000

The parties of record before the Property Tax Appeal Board are Stacey Lancaster, the appellant, by attorney William I. Sandrick of the Sandrick Law Firm LLC, South Holland; 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: \$2,558
IMPR.: \$8,042
TOTAL: \$10,600

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a multi-level single family dwelling of masonry construction containing 1,260 square feet of living area. The dwelling is approximately 40 years old and features a partial basement with a recreation room. The property has a 4,920 square foot site and is located in Dolton, Thornton Township, Cook County. The property is classified as a class 2-34 split level residence under the Cook County Real Property Assessment Classification Ordinance (hereinafter "Ordinance").

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 \$105,000. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor and the property had been advertised for sale. The appellant further indicated the seller's mortgage had been assumed but did not disclose the mortgage amount or whether the \$105,000 was inclusive of the mortgage assumption. In further support of the transaction the appellant submitted a copy of the settlement statement; however, the statement was illegible. The appellant also submitted a copy of a printout from the Cook County Recorder of Deeds indicating a warranty deed was executed on June 29, 2007, recorded on October 9, 2007 and indicated a price of

\$106,000. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$10,500.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$12,486 was disclosed. The subject's assessment reflects a market value of \$130,063 or \$103.22 per square foot of living area, including land, when applying the 2008 three year average median level of assessment for class 2 property under the Ordinance of 9.6% as determined by the Illinois Department of Revenue. The subject has an improvement assessment of \$9,928 or \$7.88 per square foot of living area.

In support of the assessment the board of review submitted information on three comparable properties improved with multi-level single family dwellings of masonry construction that had either 1,191 or 1,206 square feet of living area. The dwellings are 48 years old and each property has the same neighborhood code and classification code as the subject property. Each of the comparables has a partial basement with a recreation room, one comparable has central air conditioning and two comparables each have a two-car garage. The comparables have sites with 4,920 square feet of land area. The comparables have improvement assessments of \$10,310 and \$10,798 or \$8.66 and \$8.95 per square foot of living area. Comparable #1 sold in June 2006 for a price of \$120,000 or \$100.76 per square foot of living area, including land. The board of review also reported the subject as selling for a price of \$106,000 in June 2007. 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 the evidence in the record supports 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. 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). 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 evidence in the record supports a reduction in the subject's assessment.

The subject's assessment reflects a market value of \$130,063 or \$103.22 per square foot of living area, including land. The Board finds the evidence was somewhat conflicting with respect to the purchase price paid for the subject property. The appellant asserted the subject property was purchased in September 2007 for a price of \$105,000 but submitted an illegible closing statement to support this conclusion. Furthermore, the appellant indicated on the petition that the seller's mortgage was assumed but did not disclose the amount of the mortgage assumed. The appellant also submitted a copy of a printout from the Cook County Recorder of Deeds indicating a warranty deed was executed on June 29, 2007 and recorded on October 9, 2007 that indicated a price of \$106,000. The board of review also reported the subject property sold for a price of \$106,000. Based on this record, the Board finds the reported price of \$106,000 is better supported. The board of review also provided information on a comparable that sold in June 2006 for a price of \$120,000 or \$100.76 per square foot of living area, land included. The Board finds both the subject's purchase price and the comparable sale reflect market values below the market value reflected by the subject's assessment. Based on this record the Board finds a reduction in the subject's assessment is 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: December 20, 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.