



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

APPELLANT: Paul Mortell  
DOCKET NO.: 08-29905.001-R-1  
PARCEL NO.: 17-18-109-042-0000

The parties of record before the Property Tax Appeal Board are Paul Mortell, the appellant, by attorney Mary Anne Phelan, of Kearney & Phelan 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:** \$15,057  
**IMPR.:** \$34,028  
**TOTAL:** \$49,085

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 5,087 square foot parcel improved with a two-story masonry single family dwelling that is one year old. The subject contains 2,118 square feet of living area, a full, unfinished basement, air-conditioning and a 440 square foot garage.

The appellant submitted evidence to the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this claim, the appellant completed Section IV of the appeal petition, submitted a grid analysis detailing three comparable properties, a brief and a Settlement Statement. The comparables are located in the same neighborhood code as assigned by the local assessor as the subject. They consist of two-story, masonry dwellings that were each two years old. Each comparable has a full unfinished basement, air-conditioning and a 440 square foot garage. The comparables sold from September 2006 to March 2007 for prices ranging from \$417,000 to \$526,000 or from \$206.84 to \$265.12 per square foot of living area, including land. The appellant submitted a final decision from the Cook County Board of Review depicting the subject's assessment of \$72,561 which

reflects a market value of \$755,844 using the 2008 three-year average median level of assessments for Class 2 property under the Cook County Real Property Classification Ordinance level of 9.60%.

Section IV of the appellant's petition depicts the subject was purchased January 19, 2007 for \$511,303 from a non-related party. The property was sold by a realtor and was advertised for sale using a multiple listing service. In further support of the overvaluation argument, the appellant submitted a Settlement Statement verifying the \$511,303 sale price and sale date of January 19, 2007. In the brief, appellant's counsel argued that 5% of the purchase price, or \$25,565, should be deducted for personal property. No documentation was submitted to substantiate this claim. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$72,561 was disclosed. In support of the subject's assessment, the board of review submitted a grid analysis detailing one equity comparable. The comparable is located in the subject's neighborhood code, as assigned by the local assessor. The comparable is a two-story masonry dwelling containing 2,016 square feet of living area. This comparable also features a full unfinished basement, air-conditioning and a two-car garage. This property has a total assessment of \$69,223. The board of review failed to submit market value evidence to refute the appellant's overvaluation claim. Based on this evidence, the board of review requested confirmation of its assessment.

After considering the evidence the Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. 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 (3<sup>rd</sup> Dist. 2002). The Board finds the appellant has met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of the subject's market value is its purchase price in January 2007. This sale involved non-related parties, the sale was advertised using a multiple listing service and a realtor. 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 so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). 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). The board of review did not refute the arm's-length nature of this sale.

In further support of the subject's sale price, the appellant submitted a Settlement Statement depicting the subject's purchase price of \$511,303. The Board finds this sale price is within the range of sales submitted by the appellant which ranged from \$417,000 to \$526,000. The Board gave no weight to the board of review's equity comparable as this does not refute the appellant's overvaluation claim. In addition the Board gave no weight to the appellant's claim of debasing the subject's purchase price by 5% or \$25,565, because the appellant failed to submit documentary evidence to support this claim. The subject's assessment of \$72,561 reflects a market value of \$755,844 which is excessive based on the subject's purchase price in January 2007, therefore, a reduction is warranted.

Since market value has been established, the Cook County Real Property Classification Ordinance level of assessments for Class 2 property of 9.60% shall apply and a reduction is accordingly justified. (86 Ill.Ad.Code 1910.50(c)(3)).

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.



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Chairman



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Member



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Member



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Member



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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: February 24, 2012



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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.