FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Peter Malecki
DOCKET NO.: 08-30105.001-R-1
PARCEL NO.: 16-06-223-016-0000

The parties of record before the Property Tax Appeal Board are Peter Malecki, the appellant, 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:	$ 9,737
IMPR.:	$ 31,543
TOTAL:	$ 41,280

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story, single-family dwelling with 2,000 square feet of living area. The subject has frame and masonry exterior construction, a full finished basement, central air conditioning, a fireplace, and a two-car detached garage. The dwelling is 83 years old and is located in Oak Park, Oak Park Township, Cook County. The property is classified as a class 2-05 residential property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation based on a recent sale of the subject property. The appellant's attorney submitted a brief in support of this argument. Counsel indicated the subject property was purchased in July 2005 for a price of $430,000 or $215.00 per square foot of living area, land included. To further document the sale, the appellant submitted a copy of the Illinois Real Estate Transfer Declaration, PTAX-203, disclosing the subject property was purchased in July 2005 for a price of $430,000. In the brief, counsel argued the subject had a market value of $430,000 and the assessment should be calculated by applying the 10% median level of assessment for Class 2 residential property in Cook County. Based on this record, the appellant requested the subject's assessment be reduced to $43,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling $55,237 was disclosed. The subject's assessment reflects a market value of $575,385 using the 2008 three year average median level of assessments for class 2 property of 9.60% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.59(c)(2)).

The board of review provided information on four comparable properties to demonstrate the subject was being equitably assessed. The comparables were improved with two-story, frame and masonry dwellings that range in age from 81 to 83 years old. The comparable properties have the same assigned neighborhood and classification codes as the subject property. The dwellings range in size from 1,984 to 2,164 square feet of living area. These comparables had improvement assessments ranging from $22.82 to $24.42 per square foot of living area. The subject has an improvement assessment of $45,500 or $22.75 per square foot of living area. As part of its evidence, the board of review disclosed that the subject property sold in July 2005 for $430,000 or $215.00 per square foot of living area, land included. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Board finds it has jurisdiction over the parties and the subject matter of the 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. 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). Proof of market value may consist of an appraisal of the subject property, a recent sale of the subject property or comparable sales. (86 Ill.Admin.Code 1910.65(c)). 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). After an analysis of the evidence in the record, 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 market value in the record is the sale of the subject property in July 2005 for a price of $430,000. The subject has a total assessment which reflects a market value of $575,385 that is greater than the purchase price. The Board finds the board of review submitted equity comparables but did not address or refute the appellant's market value argument. Moreover, the board of review provided no evidence to indicate that the subject's sale was not an arm's length transaction. Based on this record the Board finds the subject

had a market value of $430,000 as of the January 1, 2008 assessment date, and the 2008 three year average median level of assessment for class 2 property of 9.60% as determined by the Illinois Department of Revenue shall apply. (See 86 Ill.Admin.Code 1910.59(c)(2)).

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: May 20, 2011

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.