FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Jeff & Elisha Cicirelli
DOCKET NO.: 09-20808.001-R-1
PARCEL NO.: 10-11-412-037-0000

The parties of record before the Property Tax Appeal Board are Jeff & Elisha Cicirelli, 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:	$7,200
IMPR.:	$35,520
TOTAL:	$42,720

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of stucco construction containing 2,042 square feet of living area. The dwelling is 83 years old and is located in Evanston, Evanston Township, Cook County[1]. The property is classified as a class 2-05 residential property under the Cook County Real Property Assessment Classification Ordinance. Features of the home include a partial unfinished basement, central air conditioning, a fireplace and a 2-car garage.

The appellants contend overvaluation based on a recent sale of the subject property. The appellants' attorney submitted a brief in support of this argument. Counsel indicated the subject property was purchased in October 2009 for a price of $480,000 or $235.06 per square foot of living area, land included. To further document the sale, the appellants submitted a copy of the Illinois Real Estate Transfer Declaration, PTAX-203, disclosing the subject property was purchased in October 2009 for a price of $480,000. The transfer declaration indicated the subject was advertised for sale, and there was no indication the parties were related. In the brief, counsel argued the subject had a market value of $480,000 and the assessment should be calculated by applying the 10% level of assessment for Class 2 residential

[1] The appellant s indicated the subject property as 86 years old, however, the property characteristic sheet describes the subject property as 83 years old.

property in Cook County. Based on this record, the appellants requested the subject's assessment be reduced to $48,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling $62,007 was disclosed. The subject's assessment reflects a market value of $696,708 using the 2009 three year average median level of assessments for class 2 property of 8.90% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.50(c)(2)).

In support of the subject's estimated market value as reflected by its assessment, the board of review submitted a grid analysis of four comparable properties with copies of property characteristic sheets of the subject and comparables. The grid analysis provided assessment data for the subject and four comparables, which is not responsive to the appellant's overvaluation argument.

Also attached to the board of review's data was a two-page printout of 40 sales identified only by parcel number and entitled "Class 05 2+ story old style small res within neighborhood 17013 of Township Evanston." Three of the sales related to the subject property including the October 2009 sale for $480,000. The remaining 37 properties sold between May 1991 and October 2009 for prices ranging from $220,000 to $845,000. No other descriptive data was submitted for purposes of analyzing these properties.

Additionally attached to the board of review's data was a "Board of Review Analysis/Evidence Sheet" with no recent sale data.

Based on the foregoing evidence, the board of review requested confirmation of the subject's 2009 estimated market value as reflected by its 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 appellants contend 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 appellants have 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 October 2009 for a price of $480,000. The board of review's evidence acknowledged this sale in its listing of 40 sales. The subject's total assessment reflects an estimated market value of $696,708, which is greater than its purchase price. The Board finds the board of review submitted equity comparables but did not address or refute the appellants' 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. The subject property was advertised for sale and there was no indication the parties were related. Based on this record the Board finds the subject had a market value of $480,000 as of the January 1, 2009 assessment date. Since fair market value has been established, the 2009 three-year median level of assessment for class 2 property in Cook County of 8.90% as determined by the Illinois Department of Revenue shall apply. (See 86 Ill.Admin.Code 1910.50(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: April 20, 2012

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.