



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

APPELLANT: Anthony Zajac
DOCKET NO.: 09-24354.001-R-1
PARCEL NO.: 13-08-312-040-0000

The parties of record before the Property Tax Appeal Board are Anthony Zajac, the appellant(s); 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: \$5,702
IMPR.: \$6,491
TOTAL: \$12,193

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 4,073 square foot parcel of land improved with a 96-year old, two story, frame, single-family dwelling containing 1,680 square feet of living area. The subject includes two baths, a unfinished basement, no air conditioning, and no fireplace. The appellant argued that the market value of the subject property is not accurately reflected in its assessed value.

In support of this overvaluation argument, the appellant submitted a copy of the settlement statement stating that the subject sold for \$137,000.00 on March 31, 2009. The second page of the settlement statement itemizes broker fees. The appellants' petition indicates the subject was listed on the open market for six months, was not purchased from related parties, and had real estate broker involved in the sale. Based on this evidence, the appellant requested the subject's assessment be reduced to reflect the subject's purchase price.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$29,722 was disclosed. This assessment reflects a market value of \$333,955 using the Illinois Department of Revenue's 2009 three-year median level of assessment for class 2 property of 8.90%. In support of the subject's assessment, the board of review submitted descriptions and assessment information for four properties

located within the subject's neighborhood. These properties are described as two-story, masonry or frame, single-family dwellings with between two and three and one-half baths, a full basement, air conditioning for two of the properties, and no fireplace. The properties range: in age from 16 to 93 years old; in size from 1,365 to 3,024 square feet of living area; and in improvement assessments from \$15.70 to \$16.47 per square foot of living area. In addition, sales data was included for two of the properties. The properties sold in May 2007 and August 1, 2006 for \$419,000 and \$1.00 or \$306.96 and \$00.00 per square foot. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a letter asserting that the board of review's sales comparables are not similar to the subject because they were "sold or priced at the peak of the housing market bubble." Appellant contends that housing market has dropped significantly. In support, the appellant included a Zillow Home Value Index chart documenting the drop in housing prices. The appellant also included pictures of the property's kitchen and bathroom and stated that the property's value is in the land and not the improvement. Lastly, the appellant submitted evidence on nine additional comparables and copy of the Certification of Responsibility executed by prior owner and dated March 20, 2004. The Official Rules of the Property Tax Appeal Board prohibit the submission of new evidence as rebuttal and, therefore, the nine additional comparables, the Zillow Home Value Index chart, and the Certification of Responsibility cannot be considered by the PTAB. 86 Ill.Admin.Code 1910.66

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.

When overvaluation is claimed, the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3d Dist. 2002; Winnbago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d (2d Dist. 2000). 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. 86 Ill. Admin. Code 1910.65(c). Having considered the evidence presented, the Board concludes that the evidence indicates a reduction in the subject's assessment is warranted.

The PTAB finds the best evidence of market value is the sale of the subject in March 2009 for \$137,000. The PTAB finds the subject was listed on the open market and the Settlement Statement, line 703, shows a commission was paid to the broker at closing which supports the arm's length nature of the sale. Therefore, the most weight was given to this evidence. The subject's assessment reflects a market value greater than this purchase price.

Based on this record, the PTAB finds that the subject property has a market value of \$137,000.00 for the 2009 assessment year. Since market value has been determined, the 2009 three-year median level of assessment for class 2 property as established by the Illinois Department of Revenue of 8.90% shall apply and a reduction is warranted.

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: April 20, 2012

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.