



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

APPELLANT: Hever Lemus  
DOCKET NO.: 09-24788.001-R-1  
PARCEL NO.: 12-25-115-029-0000

The parties of record before the Property Tax Appeal Board are Hever Lemus, 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:** \$3,238  
**IMPR.:** \$21,126  
**TOTAL:** \$24,364

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of 3,810 square feet of land improved with an 81-year old, 1.5-story frame and masonry single-family dwelling containing 1,891 square feet of living area. Features include a full finished basement and a two-car detached garage.

The appellant contends that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this claim, the appellant's evidence disclosed the subject was purchased in June 2009 for a price of \$273,750. The appellant submitted a copy of the executed and recorded Illinois Real Estate Transfer Declaration (PTAX-203) for the subject sale transaction. The PTAX-203 was marked that the property was advertised for sale and the sale was not between related parties. Based on this evidence, the appellant requested a reduction in

the subject's assessment to \$27,375, which reflects an estimated market value of \$273,750 using the 10% level of assessment for Class 2 residential properties in Cook County for 2009.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$28,804 was disclosed. The subject's assessment reflects a market value of \$323,640 using the three-year median level of assessment for Cook County Class 2, residential property as determined by the Illinois Department of Revenue of 8.90% for 2009.

The board of review submitted four equity comparables to support the subject's assessment. The properties were improved with 1.5-story frame and masonry constructed single-family dwellings. The properties ranged in age from 58 to 91 years and contained from 1,833 to 2,075 square feet of living area. Features include full finished basements. One of the comparables has central air conditioning and three comparables have two-car garages. The comparables had improvement assessments ranging from \$23,195 to \$28,632 or from \$12.61 to \$13.88 per square foot of living area. The subject's improvement assessment is \$13.52 per square foot of living area. As a result of its analysis, the board of review requested confirmation of the subject's assessment.

After considering the evidence and reviewing the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

The appellant argued the subject property is overvalued. 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). 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 Sec. 1910.65(c). Having considered the evidence presented, the Property Tax Appeal Board finds that the evidence indicates a reduction is warranted.

The appellant submitted an Illinois Real Estate Transfer Declaration (PTAX-203) indicating the subject property was purchased for \$273,750 in June 2009. The Illinois Supreme Court has defined fair cash value as what the property would bring at a voluntary sale where the seller 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). The Property Tax Appeal Board notes that the Illinois Supreme Court has indicated that a sale of property during a tax year in question is a "relevant factor" in considering the validity of an assessment. People ex rel. Munson v. Morningside Heights, 45 Ill. 2d 338, 259 N.E.2d 27 (1970).

The evidence in this record indicates the subject's transaction was a sale between unrelated parties and that the subject property was listed or advertised for sale. The board of review provided no evidence that the subject's June 2009 sale was not an arm's-length transaction or that the sales price did not reflect the subject's market value. The Property Tax Appeal Board finds the subject's sale is probative, credible evidence that the subject's assessment established by the board of review, which reflects an estimated market value of \$323,640, is excessive as of January 1, 2009. In conclusion, the Board finds the appellant has met his burden. Therefore, the Property Tax Appeal Board finds the best evidence contained in the record of the subject's fair market value as of its January 1, 2009 assessment date is its June 2009 sale for \$273,750.

The Property Tax Appeal Board gives no weight to the evidence submitted by the board of review. The board of review merely submitted four equity comparables that would suggest the subject is uniformly assessed. The Board finds the equity evidence submitted by the board of review fails to address the market value argument presented by the appellant.

Therefore, the Property Tax Appeal Board finds that the subject property had a market value of \$273,750 as of January 1, 2009. Since the market value of the subject has been established, the three-year median level of assessment as established by the Illinois Department of Revenue for Cook County Class 2, residential property of 8.9% shall apply.

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.

*Donald 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: February 22, 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.