



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

APPELLANT: Lofton Kennedy  
DOCKET NO.: 09-26110.001-R-1  
PARCEL NO.: 31-12-119-016-0000

The parties of record before the Property Tax Appeal Board are Lofton Kennedy, the appellant, by attorney Sonja R. Johnson of Much Shelist 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: \$4,820  
IMPR: \$24,680  
TOTAL: \$29,500**

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Cook County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2009 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

**Findings of Fact**

The subject property is improved with a two-story dwelling of masonry construction with 4,489 square feet of living area. The dwelling is approximately 41 years old. Features of the home include a partial basement that is unfinished, central air conditioning, one fireplace and a two-car garage. The property has a 14,833 square foot site and is located in Flossmoor, Rich Township, Cook County. The subject is classified as a class 2-

08 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted a brief stating the subject property was currently listed for sale for a price of \$284,900. Attached to the brief was a copy of a listing of the subject property dated July 20, 2010 disclosing the listing price of \$284,900. The appellant also submitted a copy of a listing of the subject dated January 12, 2010 for a price of \$295,000. Based on this evidence, the appellant requested the subject's assessment be reduced to \$28,490.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$42,617. The subject's assessment reflects a market value of \$426,170 when using the Cook County Real Property Assessment Classification Ordinance level of assessments for class 2 property of 10%. The subject had an improvement assessment of \$37,797 or \$8.42 per square foot of living area.

In support of its contention of the correct assessment the board of review submitted information for one comparable improved with a two-story dwelling of masonry construction with 3,837 square feet of living area. The comparable dwelling was 16 years old and had an improvement assessment of \$36,920 or \$9.62 per square foot of living area. The board of review also submitted a list of five comparables that sold from May 1991 to May 2004 for prices ranging from \$48,000 to \$430,000.

#### **Conclusion of Law**

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. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the January 2010 listing of the subject property for a price of \$295,000. Of the two listing prices for the subject in the record, the January 2010 date was most proximate in time to the assessment date at issue. The Board finds the listing price

typically sets the upper limit of market value. The Board further finds the evidence in the record indicated the listing price was reduced in approximately July 2010 to \$284,900. The Board finds the listing price is below the market value reflected by the subject's assessment. The Board finds the board of review did not present any evidence to challenge the listing or to refute the contention that the listing price was indicative of market value. The Board finds the one equity comparable submitted by the board of review did not address the appellant's market value argument. The Board also finds the list of five sales provided by the board of review contained no descriptive data about the sales to provide any meaningful comparative analysis and they did not sell proximate in time to the assessment date at issue. As a result little weight was given the board of review evidence. Based on this record the Board finds a reduction in the subject's assessment is justified.

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: October 24, 2014



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.