



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

APPELLANT: Eugene Wiszowaty
DOCKET NO.: 09-26308.001-R-1
PARCEL NO.: 13-26-318-027-0000

The parties of record before the Property Tax Appeal Board are Eugene Wiszowaty, the appellant, by attorney Michael Griffin in Chicago, and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$ 5,699
IMPR.: \$ 25,226
TOTAL: \$ 30,925**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story, multi-family building of frame construction. The building is 95 years old and contains 2,186 square feet of building area. Features of the building include two apartment units and a slab foundation. The property is classified as a class 2-11 residential property under the Cook County Real Property Assessment Classification Ordinance and is located in Chicago, Jefferson Township, Cook County.

The appellant contends overvaluation based on a recent sale of the subject property. In Section IV of the residential appeal form, the appellant's attorney indicated the subject property was purchased from Property Assessment Management, Inc. in 2009 for a price of \$171,000 or \$78.23 per square foot of building area, land included. However, counsel did not fully complete Section IV and did not answer questions such as "Sold by?" and "Is the sale of this residence a transfer between family or related corporations?"¹ To further document the sale, the appellant's attorney submitted two pages from the settlement statement form provided by the U.S. Department of Housing and Urban Development, HUD-1, dated April 15, 2009. The settlement form disclosed that the subject property was purchased in April 2009 for a price of \$171,000 and that commissions had been paid to two realty firms.

¹ The only information provided in Section IV was the sale price, the year of the sale, and the name of the seller.

The appellant's attorney argued the subject had a market value of \$171,000 and the subject's assessment should be calculated by applying the 10% median level of assessment for Class 2 residential property in Cook County. Based on this record, counsel requested the subject's assessment be reduced to \$17,100.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$30,925 was disclosed. The subject's assessment reflects a market value of \$347,472 or \$158.95 per square foot of building area, land included, 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)).

The board of review submitted information on four comparable properties to demonstrate the subject was being equitably assessed. In addition, the board of review also provided a list of sale prices and sale dates for forty properties. This list revealed that the subject property sold in April 2005 for \$389,700 or \$178.27 per square foot of building area, land included, and in November 2006 for \$530,000 or for \$242.45 per square foot of building 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 does not support 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 not met this burden of proof and a reduction in the subject's assessment is not warranted.

The sale of the subject property in April 2009 received little weight in the Board's analysis. The subject had a sale price of \$171,000 or \$78.23 per square foot of building area, land included. However, the appellant was not able to demonstrate that this sale was an arm's length transaction. The appellant did not fully complete Section IV of the residential appeal form

explaining how the property was sold and advertised on the open market. Additionally, the appellant failed to state how long the property was available on the open market. Furthermore, the appellant did not provide a copy of the sales contract or the Illinois Real Property Transfer Declaration, PTAX-203, which would have indicated whether or not the sale had the elements of an arm's length transaction. The appellant did provide copies of two pages from the settlement statement, which disclosed that commissions had been paid to two realty firms. However, other questions regarding the sale of the subject property remain unanswered. Based on this record, the Board finds the appellant failed to establish that the sale of the subject property was an arm's length transaction.

The Board finds the better evidence of the subject's market value in the record is the sale of the subject property in November 2006 for \$530,000 or for \$242.45 per square foot of building area, land included. The subject has a total assessment which reflects a market value of \$347,472 or \$158.95 per square foot of building area, land included, using the 2009 three-year average median level of assessments for class 2 property in Cook County of 8.90% as determined by the Illinois Department of Revenue. The subject's market value is less than its 2006 sale price.

Based on the evidence in the record, the Board finds no change in the 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.

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: May 18, 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.