



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

APPELLANT: Brian Novak
DOCKET NO.: 09-26360.001-R-1
PARCEL NO.: 02-19-140-008-0000

The parties of record before the Property Tax Appeal Board are Brian Novak, the appellant; 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: \$ 6,024
IMPR.: \$ 26,995
TOTAL: \$ 33,019

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 9,269 square feet of land improved with a two-story, frame, single-family dwelling. The improvement contains 2,233 square feet of living area as well as two and one half-baths, air conditioning, and an unfinished basement.

As to the merits of this appeal, the appellant argued that the fair market value of the subject is not accurately reflected in its assessed value as the basis for this appeal.

The appellant's pleadings include recent sales data reflecting that the subject property is located in Hoffman Estates and that it sold on August 10, 2009 for \$371,000. The appellant enclosed a copy of the closing settlement statement for that sale. The statement indicates that the subject was sold using a realtor and that commission in the amount of \$14,840 was paid to RM Realty. In addition, page two of the appellant's pleadings show that the purchase of that said property was advertised for sale for a period of one month and was sold using a real estate agent. Further, it states that the sale was not a transfer between

family or related corporations. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment was disclosed as \$38,514. This assessment reflected a total market value of \$342,775, based upon the application of the Illinois Department of Revenue's three-year median level of assessment for tax year 2009 of 8.90% for class 2 property.

The board of review submitted descriptive and assessment data relating to three suggested comparables located either within a one-quarter mile's radius or within the subject's subarea. The properties are improved with two-story, frame or frame and masonry dwellings. The improvements ranged: in age from 28 to 30 years; in size from 2,082 to 2,395 square feet of living area; and in improvement assessment from \$14.61 to \$15.30 per square foot of living area. Amenities include a full basement, air conditioning, and a two-car to two and one-half car garage.

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, 331Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd 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 PTAB concludes that the evidence indicates a reduction is warranted.

The Board finds that the best evidence of market value was the recent purchase price of the subject property. The un rebutted evidence demonstrated that the subject sold on August 10, 2009 for \$371,000. The Board further finds that the county failed to proffer any evidence indicating either that this sale was not an arm's length transaction or that there were no sales comparables.

On the basis of this analysis, the Board finds that the subject had a fair market value of \$371,000 as of the 2009 assessment date at issue. Since fair market value has been established, the Department of Revenue median level of assessment for Cook County class 2, residential property of 8.90% for tax year 2009 shall apply to this subject property.

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

Marko M. Louie

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: October 19, 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.