



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

APPELLANT: Saleh Musa
DOCKET NO.: 09-26364.001-R-1
PARCEL NO.: 13-14-212-036-1001

The parties of record before the Property Tax Appeal Board are Saleh Musa, the appellant(s), by attorney Terrence Kennedy Jr., of Law Offices of Terrence Kennedy 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: \$ 1,415
IMPR.: \$ 18,585
TOTAL: \$ 20,000

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 consists of a condominium unit in a 12 unit building. The subject unit has a 20.48% ownership interest in the condominium. The property is a class 2-99 residential

condominium under the Cook County Real Property Assessment Classification Ordinance (hereinafter "Ordinance") and is located in Chicago, Jefferson Township, Cook County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted evidence disclosing the subject property was purchased on August 3, 2005 for a price of \$275,000. In addition, the appellant submitted three sale comparables that sold from May 2009 to July 2011 for prices ranging from \$45,000 to \$55,000. In support of these three sale comparables, the appellant submitted the special warranty deeds and recorder of deeds printouts confirming their sale prices and dates. Furthermore, based on the sale of one of the comparables in 2009 for \$55,000, the appellant concluded that the value of the subject is \$185,874. Lastly, the appellant submitted a printout for all the units in the building including sale dates, purchase prices, and percentage of ownership. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$39,037. The subject's assessment reflects a market value of \$438,617 when applying the 2009 three year median level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 8.90% as determined by the Illinois Department of Revenue. In support of its contention of the correct assessment, the board of review submitted a memorandum from Dan Micahelides, an analyst, stating that the value of the subject is \$449,337 based on the sale of one residential unit in 2006 for \$135,000.

At hearing, the appellant's attorney, Mr. Joe Huang, reviewed the evidence previously submitted. Mr. Huang confirmed that the subject is a duplex unit which includes above and below grade square footage. Mr. Huang further stated that the subject's market value cannot be computed from percentage of ownership. For example, Mr. Huang pointed to the sale of the subject in 2005 and the sale of different unit in the building with a smaller percentage of interest did not translate into a much higher market value for the subject. In addition, Mr. Huang confirmed that the sale comparable used to value the subject at \$185,874 is a foreclosure sale along with all the remaining submitted comparable sales that occurred following the 2006 tax year.

The board of review analyst, Mr. Jose Rodriguez, testified that the appellant's sale comparables are foreclosure sales and are not indicative of arm's length transactions and rested on the evidence.

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 that the three sales that occurred in the subject building from 2009 to 2011 are most relevant to this analysis. The three sales are within three years of the valuation date of January 1, 2009. Since all the sales in the subject's condominium building that occurred within three years of the 2009 lien date were foreclosures, these properties are reflective of the subject's market value. The Board accorded little weight to the sale of the subject in 2005. This sale was four years prior to the 2009 lien date and thus, does not accurately reflect the subject's 2009 market value.

The Board finds that the three sales comparables sold for prices ranging from \$45,000 to \$55,000 and in percentage of ownership from 6.03% to 9.55%. However, based on the subject's duplex design, size and percentage of ownership, the Board finds that the comparables should be adjusted upward to account for these superior characteristics. After considering adjustments and the differences in the comparables, when compared to the subject, the Board finds the subject's improvement assessment is not equitable and a reduction in the subject's assessment 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.

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: April 24, 2015



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.