



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

APPELLANT: David Toomey & Margaret Janson
DOCKET NO.: 09-26611.001-R-1
PARCEL NO.: 03-16-306-010-0000

The parties of record before the Property Tax Appeal Board are David Toomey & Margaret Janson, the appellants; 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: \$ 5,503
IMPR: \$ 18,305
TOTAL: \$ 23,808

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 10,007 square foot parcel of land improved with a 46 year old frame and masonry, single-family dwelling. The improvement contains 1,233 square feet of living area and contains air conditioning and a two-car garage.

The appellant raised two arguments: that the market value of the subject property is not accurately reflected in its assessed value and that there was unequal treatment in the assessment process.

In support of this overvaluation argument the appellant submitted data regarding the recent sale of the subject property. The second page of the pleadings and a copy of the settlement statement indicate that the subject was sold on February 26, 2010 for \$267,500. The sale of this residence was not a transfer between family or related corporations, and was sold by a realtor and listed for sale on the open market. The appellant also supplied a copy of the settlement statement and MLS printout, supporting the sale price and date of February 26, 2010 for \$267,500. Based on this evidence the appellant requested the

subject's assessment be reduced to reflect the subject's purchase price.

As to the equity argument, the appellant submitted descriptive and assessment information on seven comparable properties. These properties are improved with a one-story, frame and masonry, single-family dwelling. They contain one and one half-baths to two and one half-baths, air conditioning, a two-car garage, and improvement assessments from \$17.96 to \$21.39 per square foot of living area.

In rebuttal, the appellant submitted an appraisal, and new equity and sales comparables. This evidence could not be considered by the Board under the Official Rules of the Property Tax Appeal Board. Section 1910.66(c) of Title 86 of the Administrative Code states: "Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal should be precluded from submitting its own case in chief in the guise of rebuttal evidence." 86 Ill.Admin.Code § 1910.66(c)(emphasis added). This appraisal and additional sales comparables were submitted in rebuttal, and, therefore, was not timely filed. Therefore, the Board will not consider it.

Also, the appellant argued that the board of review's comparables should not be considered. The appellant argues that comparable #1 has two full baths and air conditioning, comparable #2 is too far from the subject and not a raised ranch, comparable #3 is one-half mile from the subject and is not a raised ranch, and that comparable #4 is located .2 miles from the subject, has air conditioning, and is completely updated. 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 total assessment of \$34,413 was disclosed. This assessment reflects a market value of \$386,663 using the Illinois Department of Revenue's 2009 three year median level of assessment for class 2 property of 8.90%. In support of the subject's assessment, the board of review submitted descriptions, assessment and market value information on the sale of four comparable properties. These properties are described as one-story, frame and masonry, single-family dwellings. The properties are between 44 and 47 years old, contain between 1,147 and 1,233 square feet of living area, and have improvement assessments between \$23.50 and \$24.65. Two of these properties also sold in August 2006 and May 2008 for prices of \$37,600 and \$331,500, respectively. As a result of this analysis, the board requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

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 Board concludes that the evidence indicates a reduction is warranted.

The Board finds the best evidence of market value is the sale of the subject in February 2010 for \$267,500. The appellant submitted un-rebutted evidence of this sale. In addition, the pleadings include a settlement statement and realtor information which support the arm's length nature of the sale, as well as a settlement statement and a MLS printout indicating such. The subject's assessment reflects a market value greater than the purchase price.

Based on this record the Property Tax Appeal Board finds that the subject property had a market value of \$267,500 for the 2009 assessment year. Since market value has been determined, the 2009 three year median level of assessment for class 2 property as established by the Illinois department of Revenue of 8.90% shall apply and a reduction is warranted.

The Board will not address the equity argument since the market value reduction was granted.

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: 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.