



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

APPELLANT: Scott Bukowski
DOCKET NO.: 09-29950.001-R-1
PARCEL NO.: 24-24-108-018-0000

The parties of record before the Property Tax Appeal Board are Scott Bukowski, the appellant, by attorney Christopher G. Walsh, Jr. 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: \$ 3,000
IMPR.: \$ 22,212
TOTAL: \$ 25,212

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of two improvements situated on one parcel. Dwelling #1 is a one-story single-family dwelling of frame construction. The building has 886 square feet of living area and a crawl-space foundation. Dwelling #2 is a one-story single-family dwelling of frame construction. The building has 561 square feet of living area and a slab foundation. Both dwellings are 83 years old and they are located in Chicago, Lake Township, Cook County. The property is classified as a class 2-02 residential property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation based on a recent sale of the subject property. The appellant's attorney submitted a brief in support of this argument. Counsel indicated the subject property was purchased in May 2007 for a price of \$192,500. When completing section IV of the residential appeal form, the appellant indicated that the sale of the subject property was not a transfer between family or related corporations. The appellant wrote "UNKNOWN" with respect to answering the question "Sold by" and "UNKNOWN" with respect to answering how long the property had been advertised for sale. To further document the sale, the appellant submitted a copy of the Illinois Real Estate Transfer Declaration, PTAX-203, disclosing the subject property was purchased in May 2007 for a price of \$192,500. The person who

prepared the transfer declaration checked "No" with respect to answering if the subject property was advertised for sale or sold using a real estate agent. In the brief, counsel argued the subject had a market value of \$192,500 and the assessment should be calculated by applying the 10% median level of assessment for Class 2 residential property in Cook County. Based on this record, the appellant requested the subject's assessment be reduced to \$19,250.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$25,212 was disclosed. The subject's assessment reflects a market value of \$283,281, 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 1910.59(c)(2)).

The board of review submitted information on four comparable properties for dwelling #1 and four comparable dwellings for dwelling #2 to demonstrate the subject was being equitably assessed. The only market value evidence submitted by the board of review was a list of forty sale prices and sale dates that sold from January 1992 through August 2007 for prices that ranged from \$12,000 to \$245,000. These sales were for dwellings with the same neighborhood and classification codes as the subject property. However, no descriptive evidence for these sale properties was provided.

The board of review also provided a supplemental brief to its "Notes On Appeal". The analyst who prepared the brief stated that the board of review had asked the appellant to submit a copy of the settlement statement for the subject's sale in order to assist in the determination of whether the sale was an arm's length transaction. The appellant did not produce the settlement statement. Instead, the appellant provided a copy of the transfer declaration. Consequently, the board of review did not reduce the appellant's assessment.

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)). 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.

Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970); see also Ellsworth Grain Company v Property Tax Appeal Board, 172 Ill.App.3d 552, 526 (4th Dist. 1988). 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 of whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967).

The Board finds the appellant did not successfully demonstrate that the sale of the subject property was an arm's length transaction. The subject property sold in May 2007 for a price of \$192,500. On the PTAX-203 form, the person who prepared the transfer declaration checked "No" with respect to answering if the subject property was advertised for sale or sold using a real estate agent. The appellant wrote "UNKNOWN" with respect to answering the question "Sold by" and "UNKNOWN" with respect to answering how long the property had been advertised for sale. The appellant did not present any other evidence which would have proven that the property was advertised for sale on the open market.

The appellant did not demonstrate that the subject property's assessment was excessive in relation to its market value. Furthermore, the board of review submitted evidence demonstrating the subject property was being equitably assessed. Consequently, the Board finds that a reduction in the subject's assessment is not 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.

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: April 20, 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.