



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

APPELLANT: Deon Caldwell
DOCKET NO.: 09-31353.001-R-1 through 09-31353.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Deon Caldwell, the appellant, by attorney Brian S. Maher, of Weis, DuBrock, Doody & Maher 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
09-31353.001-R-1	29-17-307-028-0000	967	5,074	\$6,041
09-31353.002-R-1	29-17-307-029-0000	967	0	\$967

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is composed of two adjacent parcels one of which, identified by property index number (PIN) 29-17-307-028-0000), is improved with a one-story single family dwelling of frame construction containing 900 square feet of living area. The dwelling is approximately 110 years old. Features of the property include a full unfinished basement and a detached two-car garage. Each PIN has a 4,300 square foot site for a combined land area of 9,600 square feet and is located in Harvey, Thornton Township, Cook County. PIN 29-17-307-028-0000 is classified as a class 2-02 property under the Cook County Real Property Assessment Classification Ordinance (hereafter "Ordinance"). Class 2 property has an Ordinance level of assessment of 10% for the 2009 tax year. PIN 29-17-307-029-0000 is classified as a class 1-00 property under the Ordinance. Class 1 property has an Ordinance level of assessment of 10% for the 2009 tax year.

The appellant is challenging the assessment for the 2009 tax year based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on March 31, 2009 for a price of \$6,000. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the property was sold using a Realtor and the property had been advertised on the open market with the Multiple Listing Service. The appellant did not disclose whether the parties to the transaction were related or how long the property was advertised for sale. In further support of the transaction the appellant submitted a copy of the settlement statement and the real estate sales contract. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$600.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment for PIN 29-17-307-028-0000 of \$6,041 was disclosed. The assessment reflects a market value of \$60,410 when applying the Ordinance level of assessment for class 2 property. The board of review submission included a copy of the property characteristic sheet for PIN 29-17-307-029-0000 indicating it had a total assessment of \$967 reflecting a market value of \$9,670 using the Ordinance level assessment for class 1 property of 10%. The parcels have a combined market value as reflected by their assessments of \$70,080.

With respect to PIN 29-17-307-028-0000 the board of review submitted information on four equity comparables improved with one-story single family dwellings of frame construction that ranged in size from 760 to 947 square feet of living area. The dwellings ranged in age from 85 to 110 years old. Each comparable has a full or partial basement with two having formal recreation rooms. Three comparables also have a 1-car, 1.5-car or a 2-car garage. These properties had improvement assessments ranging from \$471 to \$5,479 or from \$.62 to \$5.93 per square foot of living area.¹ The subject has an improvement assessment of \$5,074 or \$5.64 per square foot of living area.

In the grid analysis the board of review indicated that the subject property sold in March 2006 for a price of \$96,000. The board of review evidence further indicated that comparable #3 sold in August 2007 for a price of \$90,000 or \$118.42 per square

¹ The property characteristic sheet associated with comparable #3 that had an improvement assessment of \$.62 per square foot of living areas disclosed the property was receiving a partial assessment as the result of partial occupancy.

foot of living area, including land. The board of review also presented a list of sales of class 2-02 properties in the subject's neighborhood. The list included seven sales that occurred from February 2006 to March 2009 for prices ranging from \$30,000 to \$125,000.

The Board of review submitted no separate additional evidence in support of the assessment associated with PIN 29-17-307-029-0000.

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 a reduction in the subject's assessment is not supported on this record.

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); 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

As set forth by the Appraisal Institute in The Dictionary of Real Estate Appraisal, the most widely accepted components of market value are incorporated in the following definition:

The most probable price that the specified property interest should sell for in a competitive market after a reasonable exposure time, as of a specified date, in cash, or in terms equivalent to cash, under all conditions to a fair sale, with the buyer and seller each acting prudently, knowledgeably, for self-interest, and assuming neither is under duress. The Dictionary of Real Estate Appraisal 122 (5th ed. 2010).

The appellant is relying on the March 2009 sale of the subject property for a price of \$6,000 to demonstrate the property was overvalued. However, the Board finds the appellant did not provide any information with respect to whether or not the parties to the transaction were related and did not indicate the

length of time the property was exposed on the open market. In Section IV - Recent Sale Data of the appeal the appellant did not answer the question whether the parties are related and did not provide information concerning the length of time the property may have been advertised for sale. The failure to answer these questions detracts from the inference that the sale had the requisite elements of an arm's length transaction to support the conclusion that the price was indicative of market value. The Board further finds that the record disclosed the subject property had previously sold in March 2006 for a price of \$96,000, which detracts from the conclusion that the \$6,000 purchase price represented market value. The record also disclosed board of review comparable #3 sold in August 2007 for a price of \$90,000, which also detracts from the conclusion the subject's purchase price was reflective of market value. Finally, the Board finds the record contains a list of seven sales presented by the board of review of properties with the same neighborhood code and classification code as the subject property. The sales occurred from February 2006 to March 2009 for prices ranging from \$30,000 to \$125,000, significantly above the subject's March 2009 price of \$6,000. This evidence further undermines conclusion the subject's March 2009 purchase price was reflective of market value. The Board finds the subject's assessment reflects a market value of \$70,080, which is supported by these sales. Based on this record the Board finds the appellant did not demonstrate with a preponderance of the evidence the subject was overvalued and a reduction in the subject's assessment is not 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.



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: January 24, 2014



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.