



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

APPELLANT: P & L Partners, LLC
DOCKET NO.: 09-31406.001-R-1
PARCEL NO.: 17-20-431-017-0000

The parties of record before the Property Tax Appeal Board are P & L Partners, LLC, the appellant, by attorney Mitchell L. Klein of Schiller Klein PC 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: \$5,100
IMPR.: \$6,025
TOTAL: \$11,125**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with two apartment buildings. The buildings are two-story masonry structures that are approximately 121 years old. Building #1 has 2,014 square feet of living area, two apartment units, and a full unfinished basement. Building #2 has 1,051 square feet of living area, two apartment units, and a full unfinished basement. The subject property has a 2,125 square foot site and is located in Chicago, West Chicago 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 March 25, 2009 for a price of \$125,000. The appellant completed Section IV - Recent Sale Data of the residential appeal form and disclosed the name of the seller; that the subject's sale was not a transfer between related parties; that realtors handled the transaction; that the property was advertised for sale using the multiple listing service; and that the seller's mortgage was not assumed. To

further document the sale, the appellant submitted a copy of the settlement statement (HUD-1), disclosing the subject property was purchased on March 25, 2009 for a price of \$125,000 and commissions were paid to realty firms.

In a letter that accompanied the appeal, counsel stated the subject had a market value of \$125,000 and the assessment should be calculated by applying the 2009 three year average median level of assessments for class 2 property in Cook County of 9.06%.¹ Based on this record, the appellant requested the subject's assessment be reduced to \$11,325.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$30,772 was disclosed. The subject's assessment reflects a market value of \$345,753, using the 2009 three year average median level of assessments for class 2 property in Cook County of 8.90% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code §1910.50(c)(2)).

For building #1, the board of review submitted information on four suggested equity comparables, two of which were sales. Comparable #2 sold in April 2007 for \$204,500, and comparable #4 sold in January 2006 for \$500,000. The comparables that sold are three-story apartment buildings of masonry construction. Comparable #2 is 126 years old and has 2,280 square feet of living area, three apartment units, a full unfinished basement, and a two-car garage. Comparable #4 is 121 years old and has 2,961 square feet of living area, three apartment units, and a full unfinished basement.

For building #2, the board of review submitted information on four suggested equity comparables, two of which were sales. Comparable #2 sold in April 2008 for \$585,000, and comparable #4 sold in September 2006 for \$360,000. The comparables that sold are two-story apartment buildings of masonry construction. Comparable #2 is 131 years old and has 1,408 square feet of living area, two apartment units, a concrete slab foundation, and a two-car garage. Comparable #4 is 131 years old and has 1,280 square feet of living area, two apartment units, and a full unfinished basement.

¹ The appellant is relying on a preliminary three year median level of assessment on class 2 property in Cook County for 2009. The final three-year median level of assessment on class 2 property in Cook County for 2009 was 8.90%.

The board of review also submitted a list of twenty properties that sold from August 2009 to June 2009 for prices ranging from \$10,000 to \$2,200,000. Descriptive evidence for these sale properties was not provided. This list included two references to the sale of the subject property. The subject sold in March 2005 for a price of \$380,000 and sold again in March 2009 for a price of \$125,000. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's attorney stated that the board of review had failed to address the appellant's market value argument.

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 warranted.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. 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 to do so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). 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 on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value in the record is the sale of the subject property on March 25, 2009 for a

price of \$125,000. The appellant provided evidence that the subject's sale had many of the elements of an arm's length transaction. The evidence disclosed that the subject's sale was not a transfer between related parties; that realtors handled the sale transaction; and that the property was exposed to the open market when it was advertised for sale using the multiple listing service. The settlement statement revealed that commissions had been paid to realty firms that handled the subject's sale. Additionally, the Board takes notice that the board of review's evidence made reference to the March 2009 sale of the subject property for a price of \$125,000. The subject property has an assessment of \$30,772 that reflects a market value of \$345,753. The Board finds the subject's purchase price is below the market value reflected by its assessment.

The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction and was not able to refute the contention that the purchase price was reflective of market value. The board of review submitted eight equity comparables (four for each of the subject's two buildings). The Board gives no weight to the board of review's equity evidence as it is not responsive to the appellant's overvaluation argument. Although the board of review submitted sale prices for four of the eight comparables, these sales occurred from January 2006 to April 2008 and were not as proximate to the assessment date at issue as the sale of the subject property on March 25, 2009. The Board also gives no weight to the board of review's listing of sale properties. These sales lacked the descriptive data that would have helped to determine how similar they were to the subject property.

Based on this record the Board finds the subject property had a market value of \$125,000 as of January 1, 2009. Since market value has been determined the 2009 three year average median level of assessments for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 8.90% shall apply. (86 Ill.Admin.Code §1910.50(c)(2)).

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: March 21, 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.