



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

APPELLANT: Matt Bosman
DOCKET NO.: 09-32714.001-C-1 through 09-32714.002-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Matt Bosman, the appellant(s), by attorney James A. Hulihan, of Thomas M. Tully & Associates 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
09-32714.001-C-1	15-08-413-004-0000	31,825	2,144	\$33,969
09-32714.002-C-1	15-08-413-005-0000	43,768	38,653	\$82,421

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 a one-story 8,083 square foot commercial building, a 1,794 square foot, one and one-half story frame and stone, single-family dwelling, and a one story, 1,261

square foot, frame garage. The commercial portion of the subject is classified as a class 5 while the residential dwelling is classified as a class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted a plat of survey. The survey shows: the commercial building contains 8,083 square feet and contains one and one-half stories; the dwelling contains 1,794 square feet; and, the frame garage is one-story and contains 1,366 square feet. The appellant did not submit photos of the subject property.

The appellant's pleadings state the commercial building contains a small mezzanine area and does not contain one and one-half stories. The appellant's attorney also stated that the residential building does not have a finished second story.

In support of the market value argument, the appellant submitted a settlement statement that indicates the subject sold in February 2008 for \$500,000. The seller was Butterfield Real Estate and the buyer was S&B Properties of Illinois, LLC. There was no broker's commission listed on the settlement statement. The appellant did not complete the Property Tax Appeal Board appeal form Section IV-Recent Sale Data. Questions regarding the arm's length nature of the sale were unanswered. 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 \$116,390. The assessment for the residential portion of the subject is \$7,576. This assessment reflects a market value of \$85,124 or \$47.45 per square foot of living area, land included, when using the 2009 three year average median level of assessments for class 2 property of 8.90% under the Cook County Real Property Assessment Classification Ordinance as determined by the Illinois Department of Revenue. The assessment for the commercial portion of the subject is \$108,814. This assessment reflects a market value of \$435,256 when using the 2009 assessment ratio for class 5 properties of 25% under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales. In addition, the board of review submitted the subject's property record cards. The property record card for the commercial

building indicates it is 18 feet tall and is a one-story building.

Conclusion of Law

The Board finds the evidence in the record supports the sizes and descriptions of the subject property that were submitted by the board of review. Both the board of review and the appellant submitted evidence that indicates the subject commercial building contains 8,083 square feet. In addition, the Board finds that the appellant's plat of survey indicates the subject residential building contains 1,794 square feet and is a one and one-half story building. No evidence was submitted to support the contention that the upper floor of the residential building was unfinished.

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

The Board finds the appellant did not submit sufficient evidence of the market value of the subject. The appellant did not provide evidence demonstrating the sale had the elements of an arm's length transaction. The appellant did not complete Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market. Based on this record the Board finds the subject's assessment is reflective of market value 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 23, 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.