



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

APPELLANT: Charles Harre
DOCKET NO.: 09-32958.001-R-1
PARCEL NO.: 05-20-220-014-0000

The parties of record before the Property Tax Appeal Board are Charles Harre, the appellant(s); 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: \$14,025
IMPR.: \$39,375
TOTAL: \$53,400

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 9,350 square foot parcel of land improved with an approximately 102-year old, frame, two-story, single-family dwelling containing 1,674 square feet of living area, a fireplace, and an unfinished basement. The appellant argued both that the fair market value of the subject was not accurately reflected in its assessed value and that the subject property is inequitably assessed as the bases of the appeal.

In support of the market value argument, the appellant submitted a brief arguing that the subject property was overvalued based on the sale of the subject, an appraisal of the subject, and a review of the sale of similar properties. The appellant's petition, Section IV, lists the subject's sale in September 2008 for \$600,000. The petition indicates the property was purchased from Keith and Margaret MacDonnell, was not a transfer between family or related corporations, was advertised for sale on the open market for 10 weeks by a realtor, and that no mortgage was assumed. The appellant included several exhibits to support his market value argument.

Exhibit #1 includes descriptions and sales information on five suggested comparables located within five blocks of the subject. These properties are described as two-story, frame, masonry or frame and masonry, single-family dwellings. The properties range in age from 71 to 130 years and in size from 1,530 to 1,992 square feet of living area. The properties sold from August 2006 to May 2008 for prices ranging from \$729,000 to \$1,100,000 or \$418.36 to \$627.85 per square foot of living area. Exhibit #2 includes the assessor's description, the assessment and colored photographs of the subject. Exhibit #3 includes copies of the settlement statement, the real estate contract, and the escrow receipt and disbursement authorization for the subject which shows the subject sold on September 15, 2008 for \$600,000. Line 700 of the settlement statement indicates a broker's commission was paid. Exhibit #4 includes a copy of the PTAX-203, Illinois Transfer Declaration which lists the subject's sale as a contract between parties for a total consideration of \$600,000. Exhibit #5 includes a uniform residential appraisal report estimating the subject's market value based on the sales comparison approach at \$580,000 as of April 9, 2009. Exhibit #7 includes a grid listing the sales comparables from Exhibit #1 with the properties' sale date, price, price per square foot of living area, 2009 assessment value, and the percentage of the assessed value as compared to the sale price. Exhibit #8 includes a printout from the board of review for sales comparables #1 and #4 along with their PTAX-203, Illinois Real Estate Transfer Declaration showing the properties' sale price and board of review reduction. Exhibit #9 includes a copy of the Cook County Ordinance classification system for assessment.

The appellant's appraisal was undertaken by Michael Neff of Watson Appraisal Group. The report indicates Neff is a State of Illinois certified appraiser. The appraiser indicated an estimated market value of \$580,000 as of April 9, 2009. The appraisal report utilized sales comparison approaches to value to estimate the market value for the subject property.

In summarizing the subject property, the appraisal describes the subject as a two-story dwelling containing 1,611 square feet of living area. The appraisal indicates the property was personally inspected. The appraisal found the subject's highest and best use to be its present use. The appraisal notes the subject property was on the market for in 2007 for \$739,000, that the price was reduced twice with a final list price of \$649,000 and final sale price of \$600,000.

Under the sales comparison approach, the appraiser analyzed the sale or offering of four properties described as two-story, frame or stucco, single-family dwellings located within the subject's market. The properties contain between 1,700 and 2,056 square feet of living area. Three of these properties sold from September 2008 to December 2008 for prices ranging from \$600,000 to \$726,000, or \$334.82 to \$394.14 per square foot of living area, including land. The appraiser adjusted each of the

comparables for pertinent factors. Based on the similarities and difference of the comparables when compared to the subject, the appraiser estimated a value as of April 9, 2009 for the subject under the sales comparison approach of \$600,000, rounded.

In support of the equity argument, the appellant argues that the subject property is over assessed when compared to similar properties. Exhibits #1 and #6 list description and assessment information on six properties suggested as comparable and located within four blocks of the subject. Color photographs are also included. The properties are described as two-story, frame, stucco or frame and masonry, single-family dwellings. The properties range: in age from 93 to 112 years; in size from 1,562 to 2,144 square feet of living area; and in improvement assessments from \$23.10 to \$29.54 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the board disclosed the subject's final assessment of \$76,331 with an improvement assessment of \$62,306 or \$37.22 per square foot of living area. The subject's final assessment reflects a fair market value of \$857,652 when the Illinois Department of Revenue's 2009 three-year median level of assessment of 8.9% for Cook County Class 2 property is applied.

In addressing the appellant's equity argument, the board of review presented descriptions and assessment information on a total of four properties suggested as comparable and located within one-quarter mile of the subject. The properties are described as two-story, stucco, single-family dwellings. The properties range: in age from 77 to 94 years; in size from 1,752 to 1,954 square feet of living area; and in improvement assessment from \$30.07 to \$39.63 per square foot of living area.

As to the market value argument, the board of review presented descriptions and sales information on a total of four properties suggested as comparable and located within one-quarter mile of the subject. The properties are described as two-story, stucco, masonry or frame, single-family dwellings. Features include full basements, air conditioning for one property and, for three properties, a fireplace. The properties range in age from 89 to 114 years and in size from 1,488 to 1,834 square feet of living area. These properties sold from October 2004 to September 2008 for prices ranging from \$625,000 to \$1,650,000 or \$370.70 to \$1,108.87 per square foot of living area. Comparable #1 which sold for \$1,650,000 is listed as having a deluxe condition.

The board of review also submitted a brief addressing the subject's sale. The board asserts that the board of review has already granted the subject a reduction based on equity and a the appellant now requests the PTAB to grant another 21% reduction. In addition, the board asserts that the appellant failed to provide an affidavit indicating the events leading up to the sale of the subject to the appellant and assumes that, based on a

review of the sale and mortgage history, that the subject's seller was under duress and that the sale, therefore, was not arm's length. The board included printouts from the recorder of deeds which list the sale and mortgage history of the subject along with the purchase amounts and mortgage amounts. Based on these arguments, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a letter that reiterated the appellant's market value and equity arguments. In addition, the appellant addressed the board of review's evidence and arguments. The appellant asserts the board of review was presented with the PTAX-203, Illinois Transfer Declaration along with the settlement statement for the sale of the subject to the appellant. Rebuttal Exhibit #4 includes a copy of the letter sent to the board of review for the county level appeal which shows this information was included.

As to the equity argument, the appellant asserts that the appellant's equity argument was not the primary argument, but used to show that there is a large range of assessments for properties similar to the subject and that a further reduction would still have the subject within an equitable range. The appellant asserts that two of the board's comparables are assessed lower than the subject.

As the board's sales comparables, the appellant asserts that three of the four sales are aged sales and part of a growing real estate "bubble" that does not reflect the values as of late 2007 and 2008. As to sale #1, the appellant asserts there is no evidence to support this sale occurred and submitted in Rebuttal Exhibit #6 a printout of the sales history from the recorder of deeds which does not list a sale in 2005. Appellant argues sale #3 supports the decline in the market from 2004 to 2008 when the subject's sale is analyzed with this sale and that sale #4 supports the subject's sale at \$600,000. Appellant also asserts that sale #4 sold prior to the 2008 sale in 2007 for \$729,000 which supports the appellant's evidence for the subject in that the subject's original listing price was approximately \$739,000, but sold for \$600,000.

In addressing the board of review's brief in regards to the sale of the subject, the appellant argues that any reduction granted at the county level was not sufficient to address the market value of the subject based on the sale of the subject. The appellant also asserts the county was provided with the same evidence the PTAB was provided to establish the sale of the subject at \$600,000 and that an appraisal was allowed provided to the county to support that the sale was at market value.

In addition, the appellant asserts the board of review is making assumptions and guesswork on the arm's length nature of the sale of the subject based on incomplete information on the recorder of deeds website that dates back over 10 years. Rebuttal Exhibit #7

includes an affidavit from the appellant explaining the purchase of the subject property.

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.

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, 331 Ill.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 market value evidence presented, the PTAB concludes that this evidence indicates a reduction is warranted.

The PTAB finds the best evidence of market value is the sale of the subject in September 2008 for \$600,000. The appraisal supports this sale price. In addition, the settlement statement shows broker fees which support the arm's length nature of the sale. Moreover, the petition shows that the subject was advertised for sale for 10 weeks. The subject's assessment reflects a market value greater than the purchase price.

The PTAB finds the board of review's arguments unpersuasive. The board first asserts that the subject was already granted a reduction by the board of review. The Property Tax Code states that all appeals to the Property Tax Appeal Board shall be considered De Novo. 35 ILCS 200/16-180. Therefore, the PTAB gives no weight to a reduction previously granted at the county level or the board's argument that an affidavit was required at the county appeal and not presented at the PTAB appeal.

The PTAB finds that the board of review failed to show that the subject property was a distressed sale. The "deed trail" produced by the board only shows when the property sold or was mortgaged. It does not provide any evidence to show the subject's sale was a distressed one. In fact, the PTAB finds the board of review made a far reaching assumption which could not be reliably ascertained from the documentation.

The PTAB further finds the appellant submitted sufficient evidence to establish the arm's length nature of the sale. The appellant included in the petition the information asked regarding the sale and included the settlement statement. Moreover, the PTAB finds that even if the sale was a distressed or compulsory sale, the law now requires the PTAB to consider this sale. 35 ILCS 200/16-183.

Based on this record the Property Tax Appeal Board finds that the subject property had a market value of \$600,000 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.

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.



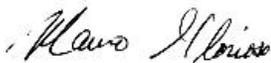
Chairman



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: September 21, 2012



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.