



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

APPELLANT: Sameer Masri  
DOCKET NO.: 10-24426.001-R-1  
PARCEL NO.: 09-24-421-050-0000

The parties of record before the Property Tax Appeal Board are Sameer Masri, 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: \$4,945  
IMPR.: \$29,951  
TOTAL: \$34,896**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a one-story dwelling of masonry construction. The dwelling is approximately 44 years old and contains 2,147 square feet of living area. Features of the home include a partial unfinished basement, central air conditioning, a fireplace, and a two and one-half car garage. The subject property has a 7,326 square foot site and is located in Niles, Maine 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 January 7, 2010 for a price of \$305,000 or \$142.06 per square foot of living area, land included. The appellant completed Section IV - Recent Sale Data of the residential appeal form and disclosed the names of the sellers, Christine and Abdullah Masri. The appellant stated "UNKNOWN" with respect to answering the question "Sold by" and did not know if the property was advertised for sale and for how long. 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 January 2010 for a price of \$305,000. On the transfer declaration, question #7 ("Was the property advertised for sale?") was marked "NO". In a letter that accompanied the appeal, counsel stated the subject had a market value of \$305,000 and the assessment should be calculated by applying the 10% ordinance 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 \$30,500.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$34,896 was disclosed. The subject's assessment reflects a market value of \$390,336 or \$181.81 per square foot of living area, land included, using the 2010 three year average median level of assessments for class 2 property in Cook County of 8.94% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code §1910.50(c)(2)).

In support of the assessment, the board of review submitted information on four comparables and provided a sale price for each comparable. These comparables sold from April to November 2009 for prices that ranged from \$310,000 to \$424,000 or from \$163.85 to \$220.37 per square foot of living area, land included. These four comparable properties are improved with one or one and one-half story masonry dwellings. The dwellings range in age from 33 to 57 years and contain from 1,883 to 2,244 square feet of living area. Two comparables have finished basements, either full or partial; and two comparables have unfinished basements, either full or partial. Each comparable has a garage and central air conditioning, and three of the comparables have one or two fireplaces.

In addition, Nicholas Jordan, a board of review analyst, submitted a brief challenging the arm's length nature of the subject's sale. The board of review analyst questioned whether the parties to this transaction were unrelated. The analyst noted that on the Illinois Real Estate Transfer Declaration, PTAX-203, buyer and seller have the same last name and the same address. In addition, the board of review analyst provided a print-out from the Cook County Recorder of Deeds, which also disclosed that buyer and seller have the same last name. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 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 (3<sup>rd</sup> 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 has not met this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds that the sale prices of the board of review comparables are the best evidence of market value in the record. These comparables sold from April to November 2009 for prices that ranged from \$310,000 to \$424,000 or from \$163.85 to \$220.37 per square foot of living area, land included. The board of review submitted evidence indicating that these comparables were generally similar to the subject in most respects. The subject has a total assessment of \$34,896 which reflects a market value of \$390,336 or \$181.81 per square foot of living area, land included. The subject's market value as reflected by its assessment falls within the range established by the best sales in the record.

The Board gives little weight to the January 2010 sale of the subject property. Evidence submitted by both parties disclosed the sale of the subject property was not a transfer between unrelated parties. The appellant submitted a copy of the Illinois Real Estate Transfer Declaration. This document revealed that the buyer and seller had the same last name and the same address and that the subject property had not been advertised for sale on the open market. Consequently, the Board finds that the subject's January 2010 sale cannot be considered an arm's length transaction.

Based on the evidence contained in the record, the Board finds the appellant has not shown by a preponderance of the evidence that the subject is overvalued as reflected by its assessment and no change in the assessment is 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.

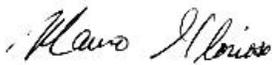


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Chairman



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Member

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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 18, 2014



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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.