



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

APPELLANT: Joe Malia
DOCKET NO.: 10-26544.001-R-1
PARCEL NO.: 32-25-304-007-0000

The parties of record before the Property Tax Appeal Board are Joe Malia, the appellant, by attorney Robert M. Sarnoff of Sarnoff & Baccash 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: \$2,500
IMPR.: \$2,500
TOTAL: \$5,000**

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 2010 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 of a one-story dwelling of frame construction. The dwelling is approximately 52 years old and has 863 square feet of living area. Features of the home include a partial unfinished basement and a two-car garage. The property has a 20,667 square foot site and is located in Sauk Village, Bloom Township, Cook County. The subject is classified as a class 2-02 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 evidence disclosing the subject property was purchased on September 25, 2009 for a price of \$50,000. 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 \$8,980. The subject's assessment reflects a market value of \$89,800 or \$104.06 per square foot of living area, land included, when applying the 10% level of assessment for class 2 residential properties under the Cook County Real Property Assessment Classification Ordinance. With its "Notes on Appeal," the board of review submitted information on four comparables to demonstrate the subject was equitably assessed. With its "Board of Review Analysis/Evidence Sheet," the board of review presented three additional equity comparables and provided a sale price for one of these comparables. Comparable #3 on the Analysis/Evidence Sheet sold in May 2009 for \$95,000 or for \$98.75 per square foot of living area, land included. Based on the limited information provided by the board of review, comparable #3 differed from the subject in land area and foundation and had somewhat more living area than the subject. Additionally, the board of review did not provide information regarding this comparable's assigned neighborhood code and exterior construction. On the basis of this evidence, the board of review requested confirmation of the subject's assessment.

The appellant's attorney submitted a rebuttal.

Conclusion of Law

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the purchase of the subject property in September 2009 for a price of \$50,000. The appellant provided evidence demonstrating the

sale had many of the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a realtor, and the property had been advertised on the open market. The appellant's attorney submitted an affidavit dated May 16, 2011, wherein the appellant stated that his purchase of the subject property was an arm's length transaction. To document the transaction, the appellant submitted a copy of the sales contract and the settlement statement (HUD-1). These documents revealed the property sold in September 2009 for a price of \$50,000 and commissions were paid to two realty firms. The Board finds the subject's September 2009 sale date was proximate to the January 1, 2010 assessment date and the sale price was below the market value reflected by the 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 presented a sale price for a comparable property on its Analysis/Evidence Sheet. Comparable #3 sold in May 2009 for a price of \$95,000. Based on the limited information provided by the board of review, this property was not demonstrated to be comparable to the subject. Moreover, its sale date was not as proximate to the assessment date as the sale of the subject in September 2009. As a result, the Board gave the board of review's market value evidence reduced weight.

The Board finds a reduction in the subject's assessment commensurate with the appellant's request is appropriate.

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

K. L. Ferr

Member

[Signature]

Member

Mark Albino

Member

Jerry White

Acting 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: June 26, 2015

[Signature]

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.