



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

APPELLANT: Dennis & Mary Breen
DOCKET NO.: 10-27221.001-R-1
PARCEL NO.: 27-26-215-002-0000

The parties of record before the Property Tax Appeal Board are Dennis & Mary Breen, the appellant(s) by attorney Tina Marie Zekich, of Law Offices of Tina M. Zekich in Orland Park; 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: \$3,690
IMPR.: \$16,514
TOTAL: \$20,204

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 9,225 square foot parcel of land improved with an 18-year old, one-story, frame and masonry, single-family dwelling containing 2,183 square feet of living area, two baths, air conditioning, a fireplace, and a partial, unfinished basement. The appellants argue that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellants included a copy of the settlement closing statement indicating the subject sold on September 29, 2010 for \$226,000. The statement indicates fees were paid to a realtor. The petition indicates the purchase was not between related parties, the property was advertised for sale, and the mortgage was not assumed. The appellants included a copy of the printout from multiple listing services advertising the subject for sale; this advertised the sale as a short sale. They also included a printout from the recorder of deed's website some details of the sale. Based on this evidence, the appellants requested a reduction in the subject's assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment of \$30,956 was disclosed. The subject's final assessment reflects a fair market value of \$346,264 or \$158.62 per square foot of living area using the Illinois Department of Revenue's 2010 three year median level of assessment for class 2 property of 8.94%.

In support of the subject's assessment, the board of review submitted descriptions and assessment information on four properties. These properties are described as one-story, frame and masonry, single-family dwellings. The properties range: in age from 16 to 18 years; in size from 2,076 to 2,183 square feet of living area; and in improvement assessments from \$13.48 to \$14.15 per square foot of living area. As a result of this analysis, the board requested confirmation of the subject's assessment.

At hearing, the appellants' attorney argued that the sale was not subject to a foreclosure. She argued that the only evidence of a short sale is the realtor's comments on the MLS advertisement.

The board of review's representative, Nick Jordan, argued that the sale was a short sale which is a compulsory sale. He argues this sale does not represent the true market value of the subject. He asserted the senate bill has been codified and states that the PTAB shall consider compulsory sales of comparable properties to determine the market and not the compulsory sale of the subject. He argued that the appellants failed to submit any sales of comparable properties to support that the subject's sale is at market. He further argued that the sale was after the lien date of January 1, 2010.

After considering the evidence and reviewing the record, 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).

In determining the best evidence of the subject's market value, the PTAB finds that only the appellants submitted market value evidence. The appellants submitted the settlement statement for the sale of the subject in September 2010 for \$226,000. This statement shows that realtors were involved in the sale. In addition, the petition indicates the property was listed on the open market. Although the board of review argued that the

subject's sale was not at market value, they failed to submit sales of other properties, including compulsory sales, to show that the subject sold under market value.

Based on this record the Property Tax Appeal Board finds that the subject property had a market value of \$226,000 for the 2010 assessment year. Since market value has been determined, the 2010 three year median level of assessment of 8.94% for class 2 property as established by the Illinois department of Revenue 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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: October 18, 2013

Allen Castrovillari

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.