



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

APPELLANT: Byron & Elizabeth Andrews
DOCKET NO.: 10-27248.001-R-1
PARCEL NO.: 27-17-310-022-0000

The parties of record before the Property Tax Appeal Board are Byron & Elizabeth Andrews, 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: \$8,725
IMPR.: \$21,594
TOTAL: \$40,319

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 15,864 square foot parcel of land improved with an 10-year old, one-story, masonry, single-family dwelling containing 3,139 square feet of living area, three and one-half baths, air conditioning, a fireplace, and a full, 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 April 15, 2010 for \$451,000. The statement indicates fees where paid to a realtor. The appellants included a copy of the printout from multiple listing services advertising the subject for sale. They also included a printout from the recorder of deed's website listing the seller as Aurora Loan Services and the transfer as a special warranty deed. The appellants included a copy of Senate Bill 3334 and argued that compulsory sales should be taken into account in reviewing and correcting property tax

assessments. 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 \$47,021 was disclosed. The subject's final assessment reflects a fair market value of \$525,962 or \$167.56 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 sales and assessment information on four properties. These properties are described as one-story, masonry, single-family dwellings. The properties range: in age from 10 to 19 years; in size from 3,180 to 3,787 square feet of living area; and in improvement assessments from \$12.15 to \$13.69 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 acknowledged that the sale was a short sale, but argued that the property was listed on the open market. She argued that the senate bill be considered in rendering a decision.

The board of review's representative, Nick Jordan, argued that the compulsory 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 April 2010 for \$451,000. This statement shows that realtors were involved in the sale. In addition, the petition indicates the property was listed on the

open market for over one year. 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 \$451,000 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.