



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

APPELLANT: Martha Neil
DOCKET NO.: 10-35288.001-R-1
PARCEL NO.: 21-31-123-029-0000

The parties of record before the Property Tax Appeal Board are Martha Neil, 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: \$3,375
IMPR.: \$7,245
TOTAL: \$10,620

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one and one-half story dwelling of frame construction. The dwelling is approximately 88 years old and contains 1,260 square feet of living area. Features of the home include a full unfinished basement and a two-car garage. The subject property has a 3,750 square foot site and is located at 8124 South Burnham Street in Chicago, Hyde Park Township, Cook County.

The subject property was the subject matter of an appeal before the Property Tax Appeal Board for the prior year under docket number 09-24735.001-R-1. In that appeal, the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property to \$5,000 based upon the evidence submitted by the parties. The appellant's attorney asserted that 2009 and 2010 are within the same general assessment period for Hyde Park Township and requested that the 2009 reduction should be carried forward to the 2010 tax year. The only evidence provided by the appellant's attorney was a copy of the prior year decision. For the 2009 appeal, the appellant submitted evidence disclosing the

subject property was purchased in October 2007 for a price of \$50,000 or \$39.68 per square foot of living area, land included. The appellant requested the subject's assessment be reduced to \$5,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the final assessment of the subject property totaling \$10,620 was disclosed. The subject's assessment reflects a fair market value of \$106,200 or \$84.62 per square foot of living area, land included, when applying the 10% ordinance level of assessments for Class 2 residential property in Cook County.

In support of the assessment, the board of review submitted information on four comparable sale properties that are improved with one or one and one-half story dwellings of frame or masonry construction. The dwellings range in age from 82 to 91 years and contain from 1,040 to 1,376 square feet of living area. The comparables have the same assigned neighborhood code as the subject. Three comparables have basements; one comparable has a fireplace; and three comparables have garages. The comparables have sites ranging in size from 3,125 to 5,625 square feet of land area. The comparables sold from March to November 2009 for prices that ranged from \$152,000 to \$167,000 or from \$116.28 to \$146.15 per square foot of living area, land included.

In addition, Nicholas Jordan, a board of review analyst, submitted a brief challenging the appellant's request to have the 2009 reduction carried forward to the 2010 tax year. According to the board of review analyst, the subject property is not owner-occupied. In support of this claim, the analyst presented print-outs from the Cook County Assessor's website. These print-outs revealed that the subject property had not received a homeowner exemption for the 2010 tax year. In addition, the analyst also pointed out that on the residential appeal form the appellant's address (1215 W Lunt #3A, Chicago IL 60626) differed from the address of the subject property (8124 S Burnham, Chicago IL 60617). Based upon 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 the evidence in the record does not demonstrate that a change in the assessment is warranted.

In this appeal, the record disclosed the Property Tax Appeal Board rendered a decision under docket number 09-24375.001-R-1 lowering the total assessment of the subject property to \$5,000. Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part that a prior year's decision by the Property Tax Appeal Board lowering the assessment shall be carried forward to the subsequent assessment year, subject only to equalization, where the property is an owner-occupied residence and the tax years are within the same general assessment period. In this case, the board of review challenged the owner-occupied status of the subject property which was not refuted by the appellant. The Board finds that the subject property was not demonstrated to be owner-occupied.

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 (3rd 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 the best evidence of market value in the record are the sales submitted by the board of review. The board of review comparables sold from March to November 2009 for prices that ranged from \$152,000 to \$167,000 or from \$116.28 to \$146.15 per square foot of living area, land included. The subject's assessment reflects a market value of \$106,200 or \$84.62 per

square foot of living area, land included. The subject's market value as reflected by its assessment falls below the range established by the best sales in the record.

The Board gives no weight to the October 2007 sale of the subject property. This sale was not as close to the January 1, 2010 assessment date as were the sales of the board of review comparables.

Based on this analysis, the Board finds no change in the subject's assessment is warranted for the 2010 assessment.

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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

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: April 18, 2014

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.