



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

APPELLANT: Timothy C. Zaug
DOCKET NO.: 09-32052.001-R-1
PARCEL NO.: 14-33-318-023-0000

The parties of record before the Property Tax Appeal Board are Timothy C. Zaug, the appellant, by attorney Brian P. Liston, of the Law Offices of Liston & Tsantilis, P.C. 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: \$29,160
IMPR: \$126,046
TOTAL: \$155,206**

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 2009 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 two improvements situated on one parcel. Dwelling #1 is a two-story, multi-family dwelling of masonry construction. The dwelling is approximately 121 years old and contains 2,700 square feet of living area. Features include two apartment units, a full unfinished basement and central air conditioning. Dwelling #2 is a two-story, multi-family dwelling of masonry construction. The dwelling is 121 years old and contains 1,346 square feet of living area. Features include two apartment units and a concrete slab

foundation. Both dwellings are classified as class 2-11 residential properties under the Cook County Real Property Assessment Classification Ordinance. The subject property is located in Chicago, North Chicago Township, Cook County.

The appellant's appeal is based on overvaluation. When the appellant completed Section 2d of the residential appeal form, he indicated that the appeal was being based on a recent sale of the subject property and on comparable sales. Regarding the recent sale of the subject property, the appellant submitted evidence disclosing the subject was purchased in March 2010 for a price of \$1,125,000. The appellant partially completed Section IV - Recent Sale Data of the appeal form disclosing that the property had been advertised for sale and that the property sold in settlement of a contract for deed. In further support of the transaction, the appellant submitted copies of the Illinois Real Estate Transfer Declaration, PTAX-203, the Cook County Real Estate Transfer Declaration, and the settlement statement (HUD-1). The transfer declaration revealed that the property had been advertised for sale, and the settlement statement revealed that no commissions had been paid to realty firms. Regarding the comparable sales, the appellant presented limited evidence on five comparable sales. The comparable sales sold from July 2007 to June 2008 for prices that ranged from \$535,000 to \$965,000 or from 205.93 to \$386.00 per square foot of living area, land included. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$155,206. The subject's assessment reflects a market value of \$1,552,060 when applying the 10% level of assessment for class 2 residential properties under the Cook County Real Property Assessment Classification Ordinance. In support of its contention of the correct assessment, the board of review submitted information on three equity comparables for dwelling #1 and three different equity comparables for dwelling #2.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board gives little weight to the March 2010 sale of the subject property because it occurred over 14 months after the assessment date. Additionally, the appellant was not able to demonstrate that the subject's sale was actually an arm's length transaction. The appellant did not fully complete Section IV – Recent Sale Data of the residential appeal form. The appellant failed to indicate whether or not the parties were related; whether a realty firm was involved in the transaction;¹ and how the property had been advertised for sale and for how long. The Board finds, due to the subject's dated sale and the lack of information regarding the sale, the appellant failed to provide sufficient evidence to challenge the correctness of the assessment so as to shift the burden of proof to the Cook County Board of Review.

The appellant also presented comparable sales as an alternative basis of the appeal. The appellant submitted five comparable sales for dwelling #1 but did not provide any comparable sales for dwelling #2. The appellant did not fully complete the grid analysis in section V of the residential appeal form. The appellant did not provide information regarding the comparables' assigned neighborhood code, the number of dwelling units in each comparable, and features like foundations and central air conditioning. Consequently, the Board gave little weight to the appellant's comparable sales due to the lack of information about the sale properties. Furthermore, the appellant's analysis omitted from consideration the subject's dwelling #2. The Board finds, due to the lack of information regarding the comparable sales and the flawed analysis that overlooked dwelling #2, the appellant failed to provide sufficient evidence to challenge the correctness of the assessment so as to shift the burden of proof to the Cook County Board of Review.

Based on this record, the Board finds a reduction in the subject's assessment is not justified.

¹ The settlement statement revealed that no commissions had been paid to a realty firm.

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

Klaus Albino

Member

[Signature]

Member

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.