



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

APPELLANT: BV Mount Prospect, LLC
DOCKET NO.: 10-28424.001-R-1 through 10-28424.005-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are BV Mount Prospect, LLC, the appellant(s), by attorney Leonard Schiller, of Schiller Strauss & Lavin PC 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
10-28424.001-R-1	08-23-201-052-0000	3,276	38,872	\$42,148
10-28424.002-R-1	08-23-201-053-0000	3,288	38,860	\$42,148
10-28424.003-R-1	08-23-201-054-0000	2,937	38,577	\$41,514
10-28424.004-R-1	08-23-201-055-0000	3,278	38,870	\$42,148
10-28424.005-R-1	08-23-201-058-0000	3,274	38,874	\$42,148

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 consists of a five, two story apartment dwellings of masonry construction with 4,050 square feet of living area. The dwellings are 33 years old. Features of the dwellings include

six units, six baths, and a full apartment basement. The property has a 2,570 square foot site, and is located in Mount Prospect, Elk Grove Township, Cook County. The subject is classified as a class 2-11 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted evidence showing that the subject sold in June 2009 for \$2,350,000. This evidence included the settlement statement and real estate contract. Furthermore, the appellant's pleadings regarding Section IV- Recent Sale Data confirmed the closing date, sale price, the parties to the transaction were not related, and that the property was not sold using a realtor. 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 \$47,507. The subject's assessment reflects a market value of \$531,398 or \$131.21 per square foot of building area, including land, when applying the 2010 three year average median level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 8.94% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted four equity and sale comparables and confirmed the 2009 sale of the one of the dwellings for \$470,000.

In rebuttal, the appellant's attorney stated that the only credible evidence is the sale price of the subject.

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 June 2009 for \$2,350,000. The appellant provided evidence demonstrating the sale had the elements of arm's length transaction. The appellant completed Section IV- Recent Sale Data of the appeal disclosing that: the parties to the transaction were not related. In further support of the transaction, the appellant submitted a copy of the settlement statement and real estate contract.

The board of review's sales comparable evidence were from 2006 and 2007 thus, too far removed from the January 1, 2010 tax lien date. In addition, the board of review failed to provide any evidence to challenge the arm's length nature of the transaction.

Based on this record, the Board finds the subject property had a market value of \$2,350,000 as of January 1, 2010. Since market value has been determined the 2010 three year average median level of assessments for class 2, residential property of 8.94% shall apply as determined by the Illinois Department of Revenue. 86 Ill.Admin.Code §1910.50(c)(2).

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



Member

Member



Member

Acting Member



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: December 18, 2015



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.