



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

APPELLANT: Holly and Mark Smyth
DOCKET NO.: 10-33688.001-R-1
PARCEL NO.: 17-10-221-066-0000

The parties of record before the Property Tax Appeal Board are Holly and Mark Smyth, the appellant, by attorney Kevin B. Hynes, of O'Keefe Lyons & Hynes, LLC 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: \$ 8,710
IMPR.: \$ 62,290
TOTAL: \$ 71,000

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 property consists of a three-story single-family townhome of masonry construction with 1,965 square feet of

living area. The dwelling was constructed in 1996. The property has an 871 square foot site and is located in Chicago, North Chicago Township, Cook County and is classified as Class 2-95 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends assessment inequity as the basis of the appeal. However, the appellant failed to submit an equity comparables in support of this argument.

The appellant's appeal is also based on overvaluation. In support of this argument, the appellant submitted a printout from the Cook County Recorder of Deeds' website indicating the subject sold in December 2008 for a price of \$500,000. The appellant failed to complete *Section IV-Recent Sale Data* of the appeal form, which would describe the conditions of the transaction.

The appellant also provided limited data for two suggested comparable sales. Comparable #1 sold in February 2009 for \$830,000 or \$352.00 per square foot, including land. No data was provided for comparable #2, however, the appellant indicated it sold in March 2011 for \$630,000, or \$320.000 per square foot, including land. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the subject's purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$71,000. The subject property has an improvement assessment of \$62,290 or an improvement assessment of \$31.70 per square foot of living area. The subject's assessment reflects a market value of \$794,183 or \$404.16 per square foot of living area, including land, when using the 2010 three year median level of assessment 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 information on four equity comparables, ranging in improvement assessment per square foot from \$31.71 to \$35.91.

The board of review listed sales data for these same four comparables, however, it appears they transferred in a bulk transaction in October 2007 as each property sold for \$216,500 on the same date. No further evidence was provided regarding the circumstances surrounding the transfers. The board of review also included the sale of the subject in October 2008 for

\$500,000, or \$254.45 per square foot, including land, on its grid sheet.

Conclusion of Law

The taxpayer contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant has not met this burden of proof and a reduction in the subject's assessment is not warranted on this basis. The Board finds the best evidence of assessment equity to be the board of review's comparables. These comparables had improvement assessments that ranged from \$31.71 to \$35.91 per square foot of living area. The subject's improvement assessment of \$31.70 per square foot of living area falls below the range established by the best comparables in this record. Therefore, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified.

The appellant also 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, not fewer than three 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 on this basis.

The Board finds that the appellant failed to provide evidence that the sale of the subject in December 2008 for \$500,000 had the elements of an arm's length transaction. The appellant failed to complete *Section IV -Recent Sale Data* of the appeal form. Additionally, no documentation which would substantiate the arm's-length nature of the transaction was provided, such as a contract, settlement statement, recorded deed, or transfer declaration. As the Board is unable to determine whether: the

parties were related; realtors were involved in the transaction; the property was advertised for sale on the open market; or the sale was pursuant to a short sale or foreclosure, a reduction based on the subject's sale price is not warranted.

As a final note, the appellant provided limited sales data for two suggested comparables. These sales sold for prices ranging from \$320.00 to \$352.00 per square foot, including land. Although the subject's assessment reflects a market value of \$404.16 per square foot of living area, including land, proof of market value should consist of not fewer than three comparable sales. 86 Ill.Admin.Code §1910.65(c). As the Board gives no weight to the board of review's comparables due to lack of information, there is no range of sales with which to compare the subject property. Accordingly, the Board finds that the appellant has not proven the subject is overvalued based on a preponderance of the evidence.

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 Albrecht

Member

[Signature]

Member

Jerry White

Member

Robert Steffen

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: November 20, 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.