



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

APPELLANT: Pilsen Venture Associates LLc  
DOCKET NO.: 10-34408.001-R-1  
PARCEL NO.: 17-20-422-005-0000

The parties of record before the Property Tax Appeal Board are Pilsen Venture Associates LLc, the appellant(s), by attorney Herbert B. Rosenberg, of Schoenberg Finkel Newman & Rosenberg 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:** \$ 6,000  
**IMPR.:** \$26,803  
**TOTAL:** \$32,803

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 118-year-old, three-story, multi-family residence of masonry construction with 7,500 square feet of living area. Features of the home include a partial basement. The property has a 2,500 square foot site and is located in West Chicago Township, Cook County. The subject is classified as a class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased in a bulk sale with one other multi-unit property on November 16, 2010 for a price of \$405,000. Appellant contends that based on square footage proration the subject should be valued at \$256,980.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$32,803. The subject's assessment reflects a market value of \$366,924 or \$48.92 per square foot of living area, land included, when using the 2010 three year median level of assessments for class 2 property of 8.94% as determined by the Illinois Department of Revenue. The board of review's evidence reflected a sale of the subject in November, 2010 for \$226,258 without further information.

In written rebuttal, appellant's counsel argued the board of review failed to address the market value argument by submitting equity comparables. In support of this contention, counsel submitted a prior Board decision. Finally, counsel argued that the assessment for the 2012 triennial was lowered to \$22,436, which is even lower than appellant's request for the lien year of 2010.

At hearing, appellant's counsel submitted into evidence four exhibits. Appellant's Hearing Exhibit #1 is the definition of fair cash value under the Property Tax Code. Appellant's Hearing Exhibit #2 is a copy of the Supreme Court of Illinois decision of *People ex rel. Korzen v. The Belt Railway Company of Chicago*, 37 Ill.2d 158 (1967). Appellant's Hearing Exhibit #3 is a decision by the First District, Appellate Court of Illinois decision of *Application of Rosewell*, 120 Ill.Ap.3d 369 (1983). Finally, Appellant's Hearing Exhibit #4 is the definition of compulsory sale under the Property Tax Code. Counsel argued that the evidence submitted shows that this was an arm's length transaction between unrelated parties and should be considered as the best evidence of market value in the record.

The board of review argued that the subject's 2010 sale was under duress because it was a foreclosure and does not meet the definition of fair cash value.

In rebuttal, counsel argued that section 16-183 of the Property Tax Code, which provides that the Board shall consider compulsory sales of comparables, should be construed as applying to the compulsory sale of the subject itself.

#### **Conclusion of Law**

The Board gave no weight to the appellant's reliance on the subject's 2012 decreased assessment. The Board finds in the recent decision of Moroney & Co. v. Property Tax Appeal Board, 2013 IL App (1<sup>st</sup>) 120493, 2 N.E.3d 522, the Court at ¶46 did not perceive Hoyme and 400 Condominium as standing for the

proposition that "subsequent actions by assessing officials are fertile grounds to demonstrate a mistake in a prior year's assessments." Hoyne Savings & Loan Association v. Hare, 60 Ill.2d 84, 322 N.E.2d 833 (1974) and 400 Condominium Association v. Tully, 79 Ill.App.3d 686, 398 N.E.2d 951 (1<sup>st</sup> Dist. 1979). In Moroney, the Court wrote in pertinent part:

... in each of those unique cases, which are confined to their facts, there were glaring errors in the tax assessments -- in Hoyne, the assessment was increased on a property from \$9,510 to \$246,810 in one year even though no changes or improvements to the property had occurred (Hoyne, 60 Ill.2d at 89), and in 400 Condominium, assessments on a garage were assessed separately from the adjoining condominium in violation of the Condominium Property Act (400 Condominium, 79 Ill.App.3d at 691). Here, based upon the evidence that was submitted, there is no evidence that there was an error in the calculation of the 2005 assessment. Rather, the record shows that the 2005 assessment was properly calculated based on the market value of the property.

The Property Tax Appeal Board finds the appellant presented no credible evidence showing there were unusual circumstances present in this 2010 appeal relative to the establishment of the subject's assessment for the 2012 tax year. Moreover, 2012 is the start of a new reassessment cycle.

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, 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 finds that the appellant failed to meet its burden of proof. First, the appellant failed to present sufficient evidence to establish that the purchase price of the two buildings was based on the proportioned square footage and not on other characteristics of the properties subject to the bulk sale. Second, the appellant also failed to establish that the subject was sold "in the due course of business and trade" under Section 1-50 of the Property Tax Code. In section IV of the appeal form, the appellant stated that the subject was not advertised for sale, which is a main element of an arm's length transaction. At hearing, counsel for the appellant confirmed that the subject was not advertised. No witness was presented at hearing to testify as to how the buyer became aware of the subject and made an offer, and how the price for each building in the bulk sale was determined.

There also was a lack of testimony to give a clear answer as to whether the listing firm named Pilsen Realty was in any way associated with the appellant, Pilsen Venture Associates. There was also no explanation provided as to how JMJ Enterprises LLC, listed as the buyer in the Real Estate Sales Contract, is associated with Pilsen Venture Associates and why the Warranty Deed conveys the subject to Pilsen Venture Associates, LLC. Furthermore, no explanation was provided as to how "Pilsen 1011 Cagan" is connected to the other two similarly named business entities and why it is listed in the property characteristic printout as the taxpayer under the same address as Pilsen Venture Associates LLC. Therefore, the Board finds the appellant failed to show by a preponderance of the evidence that the subject was overvalued.

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.

*Mario Albino*

Chairman

*K. L. Ferr*

Member

*JR*

Member

*Jerry White*

Acting Member

*Robert Hoffmann*

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 22, 2016

*A. Heston*

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.