



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

APPELLANT: John Nellinger
DOCKET NO.: 10-35084.001-R-1
PARCEL NO.: 17-18-304-019-0000

The parties of record before the Property Tax Appeal Board are John Nellinger, the appellant, by attorney Arnold G. Siegel of Siegel & Callahan, 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: \$12,852
IMPR.: \$63,325
TOTAL: \$76,177

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 two-story multi-family dwelling of masonry construction with 4,686 square feet of living area. The dwelling is 20 years old. Features of the

home include a full finished basement, central air conditioning and a four-car garage. The property has a 3,780 square foot site and is located in Chicago, West Chicago Township, Cook County. The subject is classified as a class 2-11 apartment building 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 an appraisal estimating the subject property had a market value of \$450,000 as of January 1, 2009. The appellant's evidence included a letter from the appellant's appraisers revealing a preliminary opinion of value for the subject as of January 1, 2010. The appraisers' find the subject's value is substantially the same as the indicated value in their previous report.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$76,177. The subject's assessment reflects a market value of \$761,770 or \$162.56 per square foot of living area, including land, when applying the level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10%.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales.

Under rebuttal, the appellant's attorney submitted a brief critiquing the board of review's submission.

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 finds the best evidence of market value to be the appellant's appraisal comparable #2 and the board of review's comparable sale #4. These comparables were most similar to the subject and also sold more proximate in time to the January 1,

2010 assessment date at issue. The Board gave less weight to the value conclusion from the appellant's appraisal. The Board finds that two of the sales relied on from the appraisal occurred greater than 16 months prior to the assessment date at issue. In addition, four of the comparables are over 100 years old, when compared to the subject's age of 20 years old. The Board finds the appellant's attorney's rebuttal argument, that the board of review used sales from 2008 at the height of the real estate market, lacks weight due to the appellant's appraisers' use of sales from 2006 and 2008. The Board gave less weight to the appellant's appraisal comparables #1, #3, #4 and #5 due to their significantly older ages when compared to the subject. In addition, comparables #4 and #5's sale dates occurred greater than 16 months prior to the assessment date at issue. Likewise, the Board gave less weight to the board of review's comparables #1, #2 and #3 due to their sale dates occurring greater than 13 months prior to the assessment date at issue. The best comparable sales occurred in September 2009 and October 2010 for prices of \$89,537 and \$1,186,000 or \$28.53 and \$237.58 per square foot of living area, including land. The subject's assessment reflects a market value of \$761,770 or \$162.56 per square foot of living area, including land, which is supported by the best comparable sales in the record. After adjusting the comparables for differences when compared to the subject, such as the subject's age, the Board finds a reduction in the subject's assessment is not justified.

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: January 22, 2016



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.