



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

APPELLANT: David Lesser
DOCKET NO.: 11-21109.001-R-1
PARCEL NO.: 05-17-202-019-0000

The parties of record before the Property Tax Appeal Board are David Lesser, the appellant, 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 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: \$ 13,885
IMPR.: \$ 52,097
TOTAL: \$ 65,982

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 2011 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 dwelling of frame construction with 2,106 square feet of living area. The dwelling

was constructed in 1925. Features of the home include a full basement, one fireplace and a one-car garage. The property has a 9,105 square foot site and is located in New Trier Township, Cook County. The subject is classified as a class 2-05 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 on June 26, 2009 for a price of \$350,000. The evidence consists of a closing statement and a partially executed contract. The settlement statement indicates the seller is the June W. Parmenter Trust DTD 9/4/1992 and the buyers are David J. Lesser and Helen K. Lesser. The settlement statement also listed the buyer and seller as having the same address, that of the subject property. Additionally, the appellant failed to complete *Section IV-Recent Sale Data* of the Property Tax Appeal Board's appeal form. Specifically, the appellant did not indicate whether the sale of the subject was a transfer between family or related corporations. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$65,982. The subject's assessment reflects a market value of \$695,279 or \$330.14 per square foot of living area, land included, when using the 2011 three year average median level of assessments for class 2 property of 9.49% 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, all of which contained sales data. The board's grid sheet notes the sale of the subject in June 2009 for \$350,000. The comparables sold from May 2008 through June 2010 for prices ranging from \$527,000 to \$900,000, or from \$246.49 to \$432.69 per square foot, including land.

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 appellant did not provide sufficient evidence to demonstrate the subject's sale price was a fair market price. The arm's-length nature of the sale is called into question because the appellant address on the settlement statement was the same address as the seller's address and that of the subject property.. Additionally, the appellant did not indicate whether the sale of the subject was a transfer between family or related corporations, and the appellant did not indicate the length of time the subject was advertised for sale.

Moreover, the subject's current market value of \$330.14 falls within the range of the sale comparables provided by the board of review. Therefore, based on this record the Board finds the subject's assessment is reflective of market value and 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



Acting Member



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: February 19, 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.