



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

APPELLANT: Forest Trails
DOCKET NO.: 11-24902.001-R-3 through 11-24902.226-R-3
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Forest Trails, the appellant, by attorney Tina Marie Zekich, of the Law Offices of Tina M. Zekich in Orland Park; and the Cook County Board of Review.

Based on the facts and exhibits presented in this matter, 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
11-24902.001-R-3	28-18-101-067-1001	694	16,683	\$17,377
11-24902.002-R-3	28-18-101-067-1002	694	16,683	\$17,377
11-24902.003-R-3	28-18-101-067-1003	694	16,683	\$17,377
11-24902.004-R-3	28-18-101-067-1004	694	16,683	\$17,377
11-24902.005-R-3	28-18-101-067-1005	694	16,683	\$17,377
11-24902.006-R-3	28-18-101-067-1006	694	16,683	\$17,377
11-24902.007-R-3	28-18-101-067-1007	694	16,683	\$17,377
11-24902.008-R-3	28-18-101-067-1008	694	16,683	\$17,377
11-24902.009-R-3	28-18-101-067-1009	694	16,683	\$17,377
11-24902.010-R-3	28-18-101-067-1010	694	16,683	\$17,377
11-24902.011-R-3	28-18-101-067-1011	694	16,683	\$17,377
11-24902.012-R-3	28-18-101-067-1012	694	16,683	\$17,377
11-24902.013-R-3	28-18-101-067-1013	694	16,683	\$17,377
11-24902.014-R-3	28-18-101-067-1014	694	16,683	\$17,377
11-24902.015-R-3	28-18-101-067-1015	52	1,254	\$1,306
11-24902.016-R-3	28-18-101-067-1016	52	1,254	\$1,306
11-24902.017-R-3	28-18-101-067-1017	52	1,254	\$1,306
11-24902.018-R-3	28-18-101-067-1018	52	1,254	\$1,306
11-24902.019-R-3	28-18-101-067-1019	52	1,254	\$1,306
11-24902.020-R-3	28-18-101-067-1020	52	1,254	\$1,306
11-24902.021-R-3	28-18-101-067-1021	52	1,254	\$1,306
11-24902.022-R-3	28-18-101-067-1022	52	1,254	\$1,306
11-24902.023-R-3	28-18-101-067-1023	52	1,254	\$1,306
11-24902.024-R-3	28-18-101-067-1024	52	1,254	\$1,306
11-24902.025-R-3	28-18-101-067-1025	46	1,121	\$1,167

11-24902.026-R-3	28-18-101-067-1026	46	1,121	\$1,167
11-24902.027-R-3	28-18-101-067-1027	46	1,121	\$1,167
11-24902.028-R-3	28-18-101-067-1028	46	1,121	\$1,167
11-24902.029-R-3	28-18-101-067-1029	694	16,683	\$17,377
11-24902.030-R-3	28-18-101-067-1030	694	16,683	\$17,377
11-24902.031-R-3	28-18-101-067-1031	694	16,701	\$17,395
11-24902.032-R-3	28-18-101-067-1032	694	16,701	\$17,395
11-24902.033-R-3	28-18-101-067-1033	694	16,701	\$17,395
11-24902.034-R-3	28-18-101-067-1034	694	16,701	\$17,395
11-24902.035-R-3	28-18-101-067-1035	694	16,701	\$17,395
11-24902.036-R-3	28-18-101-067-1036	694	16,701	\$17,395
11-24902.037-R-3	28-18-101-067-1037	694	16,701	\$17,395
11-24902.038-R-3	28-18-101-067-1038	694	16,701	\$17,395
11-24902.039-R-3	28-18-101-067-1039	694	16,701	\$17,395
11-24902.040-R-3	28-18-101-067-1040	694	16,701	\$17,395
11-24902.041-R-3	28-18-101-067-1041	694	16,701	\$17,395
11-24902.042-R-3	28-18-101-067-1042	694	16,701	\$17,395
11-24902.043-R-3	28-18-101-067-1043	52	1,254	\$1,306
11-24902.044-R-3	28-18-101-067-1044	52	1,254	\$1,306
11-24902.045-R-3	28-18-101-067-1045	52	1,254	\$1,306
11-24902.046-R-3	28-18-101-067-1046	52	1,254	\$1,306
11-24902.047-R-3	28-18-101-067-1047	52	1,254	\$1,306
11-24902.048-R-3	28-18-101-067-1048	52	1,254	\$1,306
11-24902.049-R-3	28-18-101-067-1049	52	1,254	\$1,306
11-24902.050-R-3	28-18-101-067-1050	52	1,254	\$1,306
11-24902.051-R-3	28-18-101-067-1051	52	1,254	\$1,306
11-24902.052-R-3	28-18-101-067-1052	52	1,254	\$1,306
11-24902.053-R-3	28-18-101-067-1053	46	1,121	\$1,167
11-24902.054-R-3	28-18-101-067-1054	46	1,121	\$1,167
11-24902.055-R-3	28-18-101-067-1055	46	1,121	\$1,167
11-24902.056-R-3	28-18-101-067-1056	46	1,121	\$1,167
11-24902.057-R-3	28-18-101-067-1057	694	16,683	\$17,377
11-24902.058-R-3	28-18-101-067-1058	694	16,683	\$17,377
11-24902.059-R-3	28-18-101-067-1059	694	16,683	\$17,377
11-24902.060-R-3	28-18-101-067-1060	694	16,683	\$17,377
11-24902.061-R-3	28-18-101-067-1061	694	16,683	\$17,377
11-24902.062-R-3	28-18-101-067-1062	694	16,683	\$17,377
11-24902.063-R-3	28-18-101-067-1063	694	16,683	\$17,377
11-24902.064-R-3	28-18-101-067-1064	694	16,683	\$17,377
11-24902.065-R-3	28-18-101-067-1065	694	16,683	\$17,377
11-24902.066-R-3	28-18-101-067-1066	694	16,683	\$17,377
11-24902.067-R-3	28-18-101-067-1067	694	16,683	\$17,377
11-24902.068-R-3	28-18-101-067-1068	694	16,683	\$17,377
11-24902.069-R-3	28-18-101-067-1069	694	16,683	\$17,377
11-24902.070-R-3	28-18-101-067-1070	694	16,683	\$17,377

11-24902.071-R-3	28-18-101-067-1071	52	1,254	\$1,306
11-24902.072-R-3	28-18-101-067-1072	52	1,254	\$1,306
11-24902.073-R-3	28-18-101-067-1073	52	1,254	\$1,306
11-24902.074-R-3	28-18-101-067-1074	52	1,254	\$1,306
11-24902.075-R-3	28-18-101-067-1075	52	1,254	\$1,306
11-24902.076-R-3	28-18-101-067-1076	52	1,254	\$1,306
11-24902.077-R-3	28-18-101-067-1077	52	1,254	\$1,306
11-24902.078-R-3	28-18-101-067-1078	52	1,254	\$1,306
11-24902.079-R-3	28-18-101-067-1079	52	1,254	\$1,306
11-24902.080-R-3	28-18-101-067-1080	52	1,254	\$1,306
11-24902.081-R-3	28-18-101-067-1081	46	1,121	\$1,167
11-24902.082-R-3	28-18-101-067-1082	46	1,121	\$1,167
11-24902.083-R-3	28-18-101-067-1083	46	1,121	\$1,167
11-24902.084-R-3	28-18-101-067-1084	46	1,121	\$1,167
11-24902.085-R-3	28-18-101-067-1085	694	16,683	\$17,377
11-24902.086-R-3	28-18-101-067-1086	694	16,683	\$17,377
11-24902.087-R-3	28-18-101-067-1087	694	16,683	\$17,377
11-24902.088-R-3	28-18-101-067-1088	694	16,683	\$17,377
11-24902.089-R-3	28-18-101-067-1089	694	16,683	\$17,377
11-24902.090-R-3	28-18-101-067-1090	694	16,683	\$17,377
11-24902.091-R-3	28-18-101-067-1091	694	16,683	\$17,377
11-24902.092-R-3	28-18-101-067-1092	694	16,683	\$17,377
11-24902.093-R-3	28-18-101-067-1093	694	16,683	\$17,377
11-24902.094-R-3	28-18-101-067-1094	694	16,683	\$17,377
11-24902.095-R-3	28-18-101-067-1095	694	16,683	\$17,377
11-24902.096-R-3	28-18-101-067-1096	694	16,683	\$17,377
11-24902.097-R-3	28-18-101-067-1097	694	16,683	\$17,377
11-24902.098-R-3	28-18-101-067-1098	694	16,683	\$17,377
11-24902.099-R-3	28-18-101-067-1099	52	1,254	\$1,306
11-24902.100-R-3	28-18-101-067-1100	52	1,254	\$1,306
11-24902.101-R-3	28-18-101-067-1101	52	1,254	\$1,306
11-24902.102-R-3	28-18-101-067-1102	52	1,254	\$1,306
11-24902.103-R-3	28-18-101-067-1103	52	1,254	\$1,306
11-24902.104-R-3	28-18-101-067-1104	52	1,254	\$1,306
11-24902.105-R-3	28-18-101-067-1105	52	1,254	\$1,306
11-24902.106-R-3	28-18-101-067-1106	52	1,254	\$1,306
11-24902.107-R-3	28-18-101-067-1107	52	1,254	\$1,306
11-24902.108-R-3	28-18-101-067-1108	52	1,254	\$1,306
11-24902.109-R-3	28-18-101-067-1109	46	1,121	\$1,167
11-24902.110-R-3	28-18-101-067-1110	46	1,121	\$1,167
11-24902.111-R-3	28-18-101-067-1111	46	1,121	\$1,167
11-24902.112-R-3	28-18-101-067-1112	46	1,121	\$1,167
11-24902.113-R-3	28-18-101-067-1113	694	16,683	\$17,377
11-24902.114-R-3	28-18-101-067-1114	694	16,683	\$17,377
11-24902.115-R-3	28-18-101-067-1115	694	16,683	\$17,377

11-24902.116-R-3	28-18-101-067-1116	694	16,683	\$17,377
11-24902.117-R-3	28-18-101-067-1117	694	16,683	\$17,377
11-24902.118-R-3	28-18-101-067-1118	694	16,683	\$17,377
11-24902.119-R-3	28-18-101-067-1119	694	16,683	\$17,377
11-24902.120-R-3	28-18-101-067-1120	694	16,683	\$17,377
11-24902.121-R-3	28-18-101-067-1121	694	16,683	\$17,377
11-24902.122-R-3	28-18-101-067-1122	694	16,683	\$17,377
11-24902.123-R-3	28-18-101-067-1123	694	16,683	\$17,377
11-24902.124-R-3	28-18-101-067-1124	694	16,683	\$17,377
11-24902.125-R-3	28-18-101-067-1125	694	16,683	\$17,377
11-24902.126-R-3	28-18-101-067-1126	694	16,683	\$17,377
11-24902.127-R-3	28-18-101-067-1127	694	16,683	\$17,377
11-24902.128-R-3	28-18-101-067-1128	694	16,683	\$17,377
11-24902.129-R-3	28-18-101-067-1129	694	16,683	\$17,377
11-24902.130-R-3	28-18-101-067-1130	694	16,683	\$17,377
11-24902.131-R-3	28-18-101-067-1131	694	16,683	\$17,377
11-24902.132-R-3	28-18-101-067-1132	694	16,683	\$17,377
11-24902.133-R-3	28-18-101-067-1133	694	16,683	\$17,377
11-24902.134-R-3	28-18-101-067-1134	52	1,254	\$1,306
11-24902.135-R-3	28-18-101-067-1135	52	1,254	\$1,306
11-24902.136-R-3	28-18-101-067-1136	52	1,254	\$1,306
11-24902.137-R-3	28-18-101-067-1137	52	1,254	\$1,306
11-24902.138-R-3	28-18-101-067-1138	52	1,254	\$1,306
11-24902.139-R-3	28-18-101-067-1139	52	1,254	\$1,306
11-24902.140-R-3	28-18-101-067-1140	52	1,254	\$1,306
11-24902.141-R-3	28-18-101-067-1141	52	1,254	\$1,306
11-24902.142-R-3	28-18-101-067-1142	52	1,254	\$1,306
11-24902.143-R-3	28-18-101-067-1143	52	1,254	\$1,306
11-24902.144-R-3	28-18-101-067-1144	52	1,254	\$1,306
11-24902.145-R-3	28-18-101-067-1145	52	1,254	\$1,306
11-24902.146-R-3	28-18-101-067-1146	52	1,254	\$1,306
11-24902.147-R-3	28-18-101-067-1147	52	1,254	\$1,306
11-24902.148-R-3	28-18-101-067-1148	52	1,254	\$1,306
11-24902.149-R-3	28-18-101-067-1149	46	1,121	\$1,167
11-24902.150-R-3	28-18-101-067-1150	46	1,121	\$1,167
11-24902.151-R-3	28-18-101-067-1151	46	1,121	\$1,167
11-24902.152-R-3	28-18-101-067-1152	46	1,121	\$1,167
11-24902.153-R-3	28-18-101-067-1153	46	1,121	\$1,167
11-24902.154-R-3	28-18-101-067-1154	46	1,121	\$1,167
11-24902.155-R-3	28-18-101-067-1155	694	16,683	\$17,377
11-24902.156-R-3	28-18-101-067-1156	694	16,683	\$17,377
11-24902.157-R-3	28-18-101-067-1157	694	16,683	\$17,377
11-24902.158-R-3	28-18-101-067-1158	694	16,683	\$17,377
11-24902.159-R-3	28-18-101-067-1159	694	16,683	\$17,377
11-24902.160-R-3	28-18-101-067-1160	694	16,683	\$17,377

11-24902.161-R-3	28-18-101-067-1161	694	16,683	\$17,377
11-24902.162-R-3	28-18-101-067-1162	694	16,683	\$17,377
11-24902.163-R-3	28-18-101-067-1163	694	16,683	\$17,377
11-24902.164-R-3	28-18-101-067-1164	694	16,683	\$17,377
11-24902.165-R-3	28-18-101-067-1165	694	16,683	\$17,377
11-24902.166-R-3	28-18-101-067-1166	694	16,683	\$17,377
11-24902.167-R-3	28-18-101-067-1167	694	16,683	\$17,377
11-24902.168-R-3	28-18-101-067-1168	694	16,683	\$17,377
11-24902.169-R-3	28-18-101-067-1169	52	1,254	\$1,306
11-24902.170-R-3	28-18-101-067-1170	52	1,254	\$1,306
11-24902.171-R-3	28-18-101-067-1171	52	1,254	\$1,306
11-24902.172-R-3	28-18-101-067-1172	52	1,254	\$1,306
11-24902.173-R-3	28-18-101-067-1173	52	1,254	\$1,306
11-24902.174-R-3	28-18-101-067-1174	52	1,254	\$1,306
11-24902.175-R-3	28-18-101-067-1175	52	1,254	\$1,306
11-24902.176-R-3	28-18-101-067-1176	52	1,254	\$1,306
11-24902.177-R-3	28-18-101-067-1177	52	1,254	\$1,306
11-24902.178-R-3	28-18-101-067-1178	52	1,254	\$1,306
11-24902.179-R-3	28-18-101-067-1179	46	1,121	\$1,167
11-24902.180-R-3	28-18-101-067-1180	46	1,121	\$1,167
11-24902.181-R-3	28-18-101-067-1181	46	1,121	\$1,167
11-24902.182-R-3	28-18-101-067-1182	46	1,121	\$1,167
11-24902.183-R-3	28-18-101-067-1183	694	16,683	\$17,377
11-24902.184-R-3	28-18-101-067-1184	694	16,683	\$17,377
11-24902.185-R-3	28-18-101-067-1185	694	16,683	\$17,377
11-24902.186-R-3	28-18-101-067-1186	694	16,683	\$17,377
11-24902.187-R-3	28-18-101-067-1187	694	16,683	\$17,377
11-24902.188-R-3	28-18-101-067-1188	694	16,683	\$17,377
11-24902.189-R-3	28-18-101-067-1189	694	16,683	\$17,377
11-24902.190-R-3	28-18-101-067-1190	694	16,683	\$17,377
11-24902.191-R-3	28-18-101-067-1191	694	16,683	\$17,377
11-24902.192-R-3	28-18-101-067-1192	694	16,683	\$17,377
11-24902.193-R-3	28-18-101-067-1193	694	16,683	\$17,377
11-24902.194-R-3	28-18-101-067-1194	694	16,683	\$17,377
11-24902.195-R-3	28-18-101-067-1195	694	16,683	\$17,377
11-24902.196-R-3	28-18-101-067-1196	694	16,683	\$17,377
11-24902.197-R-3	28-18-101-067-1197	694	16,683	\$17,377
11-24902.198-R-3	28-18-101-067-1198	694	16,683	\$17,377
11-24902.199-R-3	28-18-101-067-1199	694	16,683	\$17,377
11-24902.200-R-3	28-18-101-067-1200	694	16,683	\$17,377
11-24902.201-R-3	28-18-101-067-1201	694	16,683	\$17,377
11-24902.202-R-3	28-18-101-067-1202	694	16,683	\$17,377
11-24902.203-R-3	28-18-101-067-1203	694	16,683	\$17,377
11-24902.204-R-3	28-18-101-067-1204	52	1,254	\$1,306
11-24902.205-R-3	28-18-101-067-1205	52	1,254	\$1,306

11-24902.206-R-3	28-18-101-067-1206	52	1,254	\$1,306
11-24902.207-R-3	28-18-101-067-1207	52	1,254	\$1,306
11-24902.208-R-3	28-18-101-067-1208	52	1,254	\$1,306
11-24902.209-R-3	28-18-101-067-1209	52	1,254	\$1,306
11-24902.210-R-3	28-18-101-067-1210	52	1,254	\$1,306
11-24902.211-R-3	28-18-101-067-1211	52	1,254	\$1,306
11-24902.212-R-3	28-18-101-067-1212	52	1,254	\$1,306
11-24902.213-R-3	28-18-101-067-1213	52	1,254	\$1,306
11-24902.214-R-3	28-18-101-067-1214	52	1,254	\$1,306
11-24902.215-R-3	28-18-101-067-1215	52	1,254	\$1,306
11-24902.216-R-3	28-18-101-067-1216	52	1,254	\$1,306
11-24902.217-R-3	28-18-101-067-1217	52	1,254	\$1,306
11-24902.218-R-3	28-18-101-067-1218	52	1,254	\$1,306
11-24902.219-R-3	28-18-101-067-1219	46	1,121	\$1,167
11-24902.220-R-3	28-18-101-067-1220	46	1,121	\$1,167
11-24902.221-R-3	28-18-101-067-1221	46	1,121	\$1,167
11-24902.222-R-3	28-18-101-067-1222	46	1,121	\$1,167
11-24902.223-R-3	28-18-101-067-1223	46	1,121	\$1,167
11-24902.224-R-3	28-18-101-067-1224	46	1,121	\$1,167
11-24902.225-R-3	28-18-101-067-1225	46	1,121	\$1,167
11-24902.226-R-3	28-18-101-067-1226	46	1,121	\$1,167

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 112 individual residential condominium units and 114 deeded interior garage spaces contained in seven individual four-story buildings of masonry construction. The residential units contain central air conditioning and either one or two bedrooms. Each unit contains from 1,200 to 1,308 square feet of living area. The parties differed as to the size of the site. The subject is located in Bremen Township, Cook County, and is a Class 2-99 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 an appraisal and ten sales comparables. The appraisal was based on the sales comparison and income approaches. The appraisal disclosed five bulk sales of condominium developments that sold from 2008 through 2011 for prices that ranged from \$1,190,000 to \$9,520,000. The appraisal disclosed that the appraiser defined bulk sale valuation as assuming

the subject property was sold to a single purchaser/investor. The appraisal included a section (page 61) that the proper valuation of a condominium is under the provision of the Illinois Condominium Property Act (765 ILCS 605/1 *et seq.*). The appraisal also included a seven-page spreadsheet (pages 38-45) of the residential and parking units in the subject, with information of the date of sale, if any, and the sale price. The sales in this spreadsheet ranged in time from 2004 through 2013. The income approach was based on five rental properties the appraiser opined as most comparable to the subject. The appraisal disclosed the subject's site was 343,201 square feet. The appraiser estimated the subject property had a reconciled market value of \$14,000,000 as of January 1, 2012, notwithstanding that the tax lien year of the instant appeal is 2011.

The appellant's ten sales comparables were of units in the subject property. The evidence in support of these sales consisted of print-outs from MREDLLC.com for some sales, a grid disclosing sales information or a real estate contract. The evidence for each sale disclosed information about the Property Index Number (hereinafter, "PIN") for each sale. The evidence was submitted as follows:

- Comp. #1: an MREDLLC listing print-out for PIN 1064 for a listing dated May 15, 2007, and a grid disclosing a sale of PIN 1006 on August 22, 2011 for \$115,000;
- Comp. #2: a grid disclosing a sale of PIN 1090 on August 8, 2011 for \$111,000;
- Comp. #3: an MREDLLC listing print-out for PIN 1156 for a sale on December 22, 2011 for \$135,000, and a grid disclosing a bulk sale of PINs 1173 and 1156 on December 22, 2011 for \$135,000;
- Comp. #4: a grid disclosing a bulk sale of PINs 1131, 1149 and 1150 on November 7, 2011 for \$118,000;
- Comp. #5: a grid disclosing a bulk sale of PINs 1170 and 1167 on March 26, 2012 for \$121,000;
- Comp. #6: an MREDLLC listing print-out for PIN 1044 for a listing dated March 13, 2010, and a grid disclosing a bulk sale of PINs 1044 and 1033 on August 24, 2012 for \$120,000;
- Comp. #7: an MREDLLC listing print-out for PIN 1095 for a listing dated March 8, 2012, and a grid disclosing a bulk sale of PINs 1102 and 1095 on September 28, 2012 for \$108,000;
- Comp. #8: a grid disclosing a bulk sale of PINs 1205 and 1183 on October 5, 2012 for \$128,000;
- Comp. #9: an MREDLLC listing print-out for PIN 1160 for a sale dated February 17, 2013 for \$110,000, and a grid disclosing a bulk sale of PINs 1174 and 1160 on March 28, 2013 for \$110,000;
- Comp. #10: a real estate contract for the sale of PIN 1057 with a hand-written notation "closed April 2013."

Based on the appraisal and the ten sales comparables, the appellant requested a total assessment reduction to \$1,400,000 when applying the 2011 level of assessment of 10.00% for Class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$2,090,598. The subject's assessment reflects a market value of

\$20,905,980, when applying the 2011 level of assessment of 10.00% for Class 2 property under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment, the board of review submitted a condominium analysis with information on suggested comparable sales for eight units in the subject property that sold from 2007 through 2011 for a total of \$914,503. The board of review applied a 2.00% market value reduction to the subject for personal property without further evidence to arrive at an adjusted market value of \$896,215 of the eight units sold. The board of review disclosed the units sold consisted of 4.3438% of all units in the building. The result was a full value of the property at \$20,632,050. Since the subject was 100.00% of all the units in the building, the board of review suggested the market value of the subject to be \$20,632,050.

At the June 20, 2016 hearing, attorney for the appellant, Tina Zekich (hereinafter, "Zekich") made an oral Motion for Continuance of the hearing because the appraiser was not present. She stated that she was "told last week" by the appraiser that he would not be able to attend the hearing on June 20. The board of review representative Nick Jordan (hereinafter, "Jordan") objected to the motion because it was not timely and not in conformance with the Board's Rule 1910.67(i) in that the motion was not made in writing and was not based on good cause. (*See* 86 IL ADC §1910.67(i)). The Administrative Law Judge (hereinafter, "ALJ") read into the record the history of the hearing notice and the communications he received from Zekich and Jordan in the week leading up to the scheduled time of the hearing. Notice of the June 20, 2016, hearing was sent to all parties on April 20, 2016. On June 14, the ALJ sent an email to all parties requesting a status report about the case no later than June 17. On June 15, the ALJ received an email from Zekich's assistant requesting guidance on their effort to contact the board of review. The ALJ responded by stating that he would not provide guidance on communications between the parties. On June 16, the ALJ received an email from Zekich's assistant requesting to reschedule the hearing to August 3, 2016. Jordan responded via email by objecting to a Motion for Continuance because it was not timely, not in writing, not for good cause, and not made by the attorney of record. On the morning of June 20, minutes prior to the time set for the hearing, the ALJ received a telephone message from Zekich requesting to continue the hearing because the appraiser would not be present. Zekich appeared at hearing minutes later. The ALJ denied Zekich's Motion for Continuance pursuant to Rule 1910.67(i) because it was not timely, not in writing, not supported by affidavit or other evidence of good cause, and because Zekich had ample time in which to prepare for hearing. (*See* Hearing Exhibit #3)

Zekich stated during the hearing that the subject received a reduction from the board of review for the 2013 tax lien year, that the subject property is located in Bremen Township and that 2013 and the instant lien year of 2011 were in the same triennial assessment period. Zekich argued that, consequently, the 2013 assessment level should be applied retroactively to 2011. Zekich acknowledged that some of the condominium units sold between 2011 and 2013. Jordan on behalf of the board of review argued that Section 16-185 of the Property Tax Code (35 ILCS 200/16-185; 86 Ill.Adm.Code 1910.50(i)) applies prospectively, not retroactively. In support of his argument, Jordan argued that Zekich was, in effect, arguing that Hoynes Savings & Loan Association v. Hare, 60 Ill.2d 84, 322 N.E.2d 833 (1974) and The 400 Condominium Association, et al., v. Tully, 79 Ill.App.3d 686, 398 N.E.2d 951 (1st Dist. 1979) require retroactive application of an assessment reduction. He introduced a copy of Moroney v. Property Tax Appeal Board, 2013 IL App (1st) 120493, as an exhibit; the Board admitted it as BOR

Hearing Exhibit #1. Jordan argued that Moroney distinguished Hoyne and 400 Condominium as confined to their unique facts, and that those cases do not stand for the proposition that an assessment reduction in a later year must result in an assessment reduction for a prior year.

Zekich argued that the opinion of the appraiser that the subject's market value supports the appellant's argument for an assessment reduction. Jordan objected to the introduction of the appraisal as hearsay because the appraiser was not present to testify. The Board sustained the objection and excluded the appraiser's opinions, observations and conclusions from evidence. However, the Board allowed the raw, unadjusted data of recent sales contained in the appraisal into evidence. Jordan argued that most of the sales disclosed in the seven-page spreadsheet submitted by the appellant in the appraisal report should be excluded from consideration as recent sales because they sold at least three years prior to the 2011 lien year. He testified that he prepared a spreadsheet based on the appellant's spreadsheet of the 32 units in the subject that sold from 2008 through 2011, the three years prior and up to the 2011 lien year. Jordan excluded sales that occurred before 2008 and after 2011. Of those sold, 14 were for deeded parking spaces; 18 were for residential units. Jordan testified that he allocated a nominal \$1.00 sale price to the 14 parking spaces and listed the sale prices of the 18 residential units. He then prepared a condominium analysis with information on the 18 residential comparable sales. The total of those sales and the nominal sale price of \$1.00 for the 14 parking spaces was \$2,833,500. The units sold consisted of 13.5123% of all units in the building. The result was a full value of the property of \$20,969,783. This spreadsheet was admitted into evidence as BOR Hearing Exhibit #2 without objection from the appellant.

Jordan testified that the appraisal should be excluded from evidence *in toto* because it contained numerous instances of inconsistent and unreliable information: the number of units with one or two bedrooms, the number of units leased or not, the number of units owned by one person, whether the units in the appellant's appraisal spreadsheet of sales were actually sold, the wrong equalization factor for 2011 as disclosed in the income approach section of the appraisal, whether sub-letting was or was not allowed, whether the subject was a condominium or a co-operative, whether the subject contained basements, and the appraiser's qualifications. Jordan also testified that the appraisal had an incorrect effective date of January 1, 2012, rather than the lien year of 2011.

The parties rested their cases and presented closing arguments.

Conclusion of Law

Rule 1910.67(i) of the Rules of the Property Tax Appeal Board (86 IL ADC 1910.67(i)), states that "[c]ontinuances shall be granted for good cause shown in writing..." Zekich disclosed only at hearing that she had been told a week earlier that the appraiser would be unavailable. The email communications from Zekich's assistant did not state a good cause reason, let alone the unavailability of the appraiser, for requesting a continuance. The continuance request in an email was based only on an assertion that Zekich's offices had not able to contact the board of review prior to hearing. Any Motion for Continuance was not served on the board of review and submitted to the Board in a timely manner. The earliest the appellant through its attorney made any request was June 17. Notice of the hearing was sent to all parties on April 20, 2016, ample

time in which to anticipate and prepare for hearing. Consequently, the appellant's Motion for Continuance was properly denied. (*See* Hearing Exhibit #3)

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 IL ADC §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 IL ADC §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 there is no merit to the appellant's argument that the 2013 assessment reduction for the subject should be applied retroactively to 2011. There is no merit to the argument that Hoyne Savings & Loan Association v. Hare, 60 Ill.2d 84, 322 N.E.2d 833 (1974) and The 400 Condominium Association, et al., v. Tully, 79 Ill.App.3d 686, 398 N.E.2d 951 (1st Dist. 1979) stand for the proposition that an assessment reduction in 2013 requires an assessment reduction in the 2011 tax lien year at issue absent a glaring error in calculation. The Supreme Court in Hoyne observed that the facts in that case presented unusual circumstances coupled with a grossly excessive assessment increase from \$9,510 in 1970 to \$246,810 in 1971. Consequently, it remanded the case for the lower court to ascertain the correct assessed valuation. Hoyne, 60 Ill.2d at 89-90, 322 N.E.2d at 836-37. The appellant inverts the holdings in those cases. The Supreme Court in Hoyne never found the 1970 assessment to be in error; it found the 1971 assessment to be grossly excessive. In this case, the appellant argued the 2011 assessment was too high merely because the 2013 assessment was reduced. The appellant failed to present any facts that suggest the board of review reduced the 2013 assessment because it was already grossly excessive. Even if the appellant were to present such facts, there is no basis to conclude that the 2011 assessment should, therefore, be reduced. The Appellate Court in Moroney v. Illinois Property Tax Appeal Board, 2013 Ill.App. (1st) 120493, distinguished Hoyne and 400 Condominium as confined to their unique facts. The Court rejected that appellant's argument that those prior cases stood for the proposition that "subsequent actions by assessing officials are fertile grounds to demonstrate a mistake in prior year's assessments." Moroney, 2013 Ill.App. 120493 at ¶46. There was no evidence in Moroney that there was any error in the calculation of the taxpayer's 2005 assessment. The Appellate Court observed, "just because factors warranting a reduction existed in 2006, does not mean they existed in 2005, or any other year for that matter (which is why property taxes are assessed every year)." *Id.*

The appellant's appraiser was not present at hearing to testify as to his qualifications, identify his work, testify about the contents of the report and conclusions drawn from them, and be subject to cross-examination. The Board finds the erroneous and inconsistent information throughout the appraisal undermined the reliability of both the cost comparison and income analyses in the appraisal. Therefore, the Board sustained the board of review's objection to the admission of the appraisal report as hearsay, and the opinions and conclusions of the value of the subject property are given no weight. *See* Oak Lawn Trust & Savings Bank v. City of Palos Heights, 115 Ill.App.3d 887, 450 N.E.2d 788 (1st Dist. 1983). However, the Board may consider the raw sales data submitted by the parties, including those contained in the appraisal report.

The raw unadjusted data of five bulk sales of condominium developments, as disclosed in the appraisal report, were of properties that did not include any of the units in the subject. The

appellant submitted ten sales that occurred from 2011 through 2013, did not submit information for some of these sales sufficient to determine whether they were at arm's length, such as whether they occurred between related parties, were sold through a realtor and advertised on the open market. In the instance of appellant's comparable #10, the only information submitted was a real estate contract and a notation that it sold in April 2013. Further, each of these sales occurred after the lien date of January 1, 2011. Most of the sales disclosed in the appraisal were not recent, having been sold more than three years prior to 2011. Consequently, the Board accords no weight to these sales. In contrast, the board of review submitted a condominium analysis in BOR Hearing Exhibit #2 of 32 units sold in the subject during the three years prior to the lien date. The board of review selected these 32 units from the seven-page spreadsheet in the appellant's appraisal report of more than 100 unit sales. The total consideration of the board of review's 32 sales was \$2,833,500. Since the 32 units comprised 13.5123% of all units in the subject, the full value of the subject was \$20,972,047. The Board finds this analysis to be the best evidence of market value. Based on this evidence, 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

DISSENTING: _____

CERTIFICATION

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: August 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.