



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

APPELLANT: Matthew Hooker  
DOCKET NO.: 11-29412.001-R-1  
PARCEL NO.: 14-32-216-030-0000

The parties of record before the Property Tax Appeal Board are Matthew Hooker, 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 in this matter, the Property Tax Appeal Board hereby finds A Reduction 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:** \$17,437  
**IMPR.:** \$70,463  
**TOTAL:** \$87,900

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 three-story, multi-family dwelling of masonry construction.<sup>1</sup> The dwelling is an apartment building that is approximately 121 years old and has 2,875 square feet of living area. Features of the building include two apartment units and a full unfinished basement. The property has a 3,100 square foot site and is located in Chicago, North Chicago Township, Cook County. The subject is classified as a class 2-11 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 January 24, 2011 for a

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<sup>1</sup> Both parties made references to a second improvement; however, neither party provided details regarding the second improvement. Based on photographic evidence provided by the appellant, the subject property appears to be a three-story building.

price of \$879,000. 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 \$104,398. The subject's assessment reflects a market value of \$1,043,980 or \$363.12 per square foot of living area, land included, when applying the 10% level of assessment for class 2 residential properties under the Cook County Real Property Assessment Classification Ordinance. In support of its contention of the correct assessment, the board of review submitted information on four comparable sales that sold from March to July 2010 for prices that ranged from \$952,000 to \$2,050,000 or from \$260.47 to \$581.07 per square foot of living area, land included. As part of its submission, the board of review also made reference to the January 2011 sale of the subject property for a price of \$879,000 or for \$305.74 per square foot of living area, land included.

The board of review also submitted a supplemental brief challenging the arm's length nature of the subject's sale. In the brief, a board of review analyst stated that the appellant had not submitted evidence required under rule 28 of the Cook County Board of Review. The board of review analyst also submitted a printout from the Cook County Recorder of Deeds' website disclosing that a lis pendens notice was placed on the property on September 15, 2000.

The appellant's attorney submitted a rebuttal brief with new evidence in support of the appeal. The appellant submitted documents relating to the subject's January 2011 sale (the closing statement; the escrow trust agreement; and the City of Chicago real property transfer tax declaration form 7551) and a copy of the board of review's final decision, dated April 15, 2013, for the subject's assessment for the 2012 tax year.

The Board finds the appellant's attorney submitted new evidence for this appeal in rebuttal. Section 1910.66(c) of the rules of the Property Tax Appeal Board provides that rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. 86 Ill.Admin.Code §1910.66(c). Pursuant to section 1910.66(c) of the Property Tax Appeal Board, the Board finds it cannot consider this new evidence in determining the correct assessment of the subject property.

### **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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value in the record to be the purchase of the subject property in January 2011 for a price of \$879,000 or for \$305.74. The appellant provided evidence demonstrating the sale had many of the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal form disclosing the names of the sellers; the parties to the transaction were not related; the property was sold using a realtor;

the property had been advertised on the open market for “months” with the Multiple Listing Service; and the property sold in settlement of a contract for deed. In further support of the transaction, the appellant submitted a copy of the warranty deed. The warranty deed reiterated the names of the parties to the transaction as well as the subject’s sale date and price. The Board also takes notice that the board of review's evidence made reference to the sale of the subject property in January 2011 for a price of \$879,000. The Board finds the purchase price is below the market value reflected by the assessment.

The Board finds the board of review attempted to challenge the arm's length nature of the transaction but did not produce any evidence to refute any of the appellant’s statements in Section IV – Recent Sale Data of the appeal form. The Board also finds the board of review was not able to refute the appellant’s contention that the purchase price was reflective of market value. The board of review provided sale prices for four comparable properties that sold from March to July 2010. However, the Board finds these properties were not all that comparable to the subject due to differences in living area and foundation. More importantly, the Board finds the board of review comparables did not sell as proximate to the January 1, 2011 assessment date as the January 24, 2011 sale of the subject property relied on by the appellant. As a result, the board of review’s market evidence received reduced weight in the Board’s analysis.

Based on this record, the Board finds a reduction in the subject’s assessment commensurate with the appellant’s request is appropriate.

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.



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Chairman



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Member

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Member



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Member

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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: June 24, 2016



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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.