



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

APPELLANT: Don Schneider
DOCKET NO.: 12-31498.001-R-1
PARCEL NO.: 13-11-217-024-0000

The parties of record before the Property Tax Appeal Board are Don Schneider, the appellant, by attorney Timothy E. Moran of Schmidt Salzman & Moran, Ltd 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 **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: \$5,580
IMPR.: \$46,760
TOTAL: \$52,340

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 2012 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 apartment/commercial building of masonry construction with 5,109 square feet of living area. The building is approximately 89 years old. The building has a partial unfinished basement and four units. The property has a 4,650 square foot site and is located in Chicago, Jefferson Township, Cook County. The subject property is classified as a class 2-12 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 indicated on Section IV – Recent Sale Data of the petition that the property was purchased in November 2012 for a price of \$200,000. The appellant failed to provide any other information in Section IV of the appeal form with respect to the circumstances or facts surrounding the sale. The appellant's counsel submitted a brief stating in part that, "This purchase represented a fully

arm's length, fairly negotiated transaction, there being no relationship of any kind between purchaser and seller." Counsel also stated that executed copies of the real estate sales contract and escrow trust disbursement statement were attached; however, no such documents were in the record. Based on this evidence, the appellant requested the subject's assessment be reduced to \$20,000 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 \$52,340. The subject's assessment reflects a market value of \$523,400 when using the level of assessments for class 2-12 property of 10% under the Cook County Real Property Assessment Classification Ordinance. In support of its assessment the board of review submitted a copy of the subject's property record printout and assessment information on one comparable.

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 appellant's overvaluation argument is based on a purported recent sale of the subject property for a price of \$200,000. The Board finds, however, the appellant failed to complete Section IV – Recent Sale Data of the appeal petition nor did the appellant provide a copy of the listing, sales contract, settlement statement or PTAX-203 Illinois Real Estate Transfer Declaration that would document the transaction. Without properly completing the appeal petition and providing the necessary documentation as outlined on the appeal form, the Property Tax Appeal Board has no basis to determine the arm's length nature the transaction. Without this information the appellant has failed to satisfy the burden of going forward with substantive, documentary evidence sufficient to challenge the correctness of the assessment. (86 Ill.Admin.Code §1910.63(b)). Furthermore, without this documentary evidence, the burden of proof has not shifted to the board of review to provide substantive, documentary evidence or legal argument sufficient to support its assessment of the subject property or some other, alternative valuation. (86 Ill.Admin.Code §1910.63(c)).

Based on the state of this record no reduction in the subject's assessment is 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: February 24, 2017



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.