



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

APPELLANT: Hartzell Properties
DOCKET NO.: 12-34409.001-R-1
PARCEL NO.: 05-33-426-002-0000

The parties of record before the Property Tax Appeal Board are Hartzell Properties, the appellant(s), by attorney Robert S. Vihon, of Worsek & Vihon 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: \$ 5,860
IMPR.: \$31,282
TOTAL: \$37,142

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 one and one-half story, masonry, single-family dwelling containing 1,399 square feet of living area. It is 83 years old and is situated on a 4,988 square foot site. The subject is located in Evanston Township, Cook County, and is classified as Class 2-03 property under the Cook County Real Property Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted a settlement statement indicating that the subject property, as well as an adjacent property that is not subject to this appeal, was purchased for \$395,000 on August 20, 2009. The settlement statement indicated the Seller as Evanston Bond & Mortgage Co. and the Buyer as Hartzell Properties Inc. There is no commission reflected on the settlement statement and the appellant failed to complete *Section IV-Recent Sale Data* on the appeal form. The appellant requested that the Board give weight to half of the purchase price yet reduce the subject's market value to \$250,000, as reflected in the prior year's settlement of the 2011 appeal.

The board of review submitted its "Board of Review-Notes on Appeal" disclosing the total assessment for the subject of \$37,142. The subject's assessment reflects a market value of \$371,420 when applying the 10% level of assessment as established by the Cook County Real Property Classification Ordinance. In support of the subject's assessment, the board of review submitted four sale comparables. The board of review also submitted a memorandum and evidence indicating the subject property is not owner-occupied. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant furnished an appraisal valuing the subject property at \$160,000 as of January 1, 2014. The appraisal also indicated that the subject property is not owner-occupied. The appraisal evidence submitted by the appellant as rebuttal was not considered in the Board's analysis. 86 Ill.Admin.Code §1910.66(c). The appellant also reviewed the subject's assessment history and requested that the subject's market value be reduced to half of that listed on the settlement statement.

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 has not met 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 sale comparables submitted by the board of review. The appellant failed to provide any evidence delineating the allocation of the purchase price between the subject property and the adjacent property, which was not a part of this appeal. Additionally, it is not clear if this transaction was an arm's-length purchase as the appellant failed to indicate whether the parties were related and whether the subject property was listed for sale on the open market using a realtor.

The board of review's sale comparables, however, ranged in value from \$272.07 to \$345.49 per square foot, including land. The subject's current market value of \$265.49 falls below the range of the best evidence of market value contained in the record. As the appellant failed to prove by a preponderance of the evidence that the subject property was overvalued, a reduction based on overvaluation is not warranted.

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: November 23, 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.