



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

APPELLANT: Benjamin Newton
DOCKET NO.: 13-20861.001-R-1
PARCEL NO.: 16-19-130-038-0000

The parties of record before the Property Tax Appeal Board are Benjamin Newton, the appellant(s), by attorney Glenn S. Guttman, of Rieff Schramm Kanter & Guttman 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: \$2,465
IMPR.: \$5,080
TOTAL: \$7,545

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 2013 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 3,400 square foot parcel of land improved with a 97-year old, two-story, frame, multi-family dwelling. The property is located in Berwyn Township, Cook County and is a class 2-11 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 evidence that the subject was purchased in August 2011 for \$70,000. In addition, the appellant submitted an appraisal estimating the subject property had a market value of \$75,000 as of July 14, 2011. The appellant requested the median level of assessment be applied to the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$11,650. This assessment reflects a market value of \$115,805 when using the Illinois Department of Revenue's 2013 three-year median level of assessment for class 2 property of 10.06%.

In support of its contention of the correct assessment the board of review submitted a Motion to Dismiss asserting that the appellant's appraisal does not address the lien year in question and, therefore, the appeal should be dismissed. The board of review also submitted a second brief asserting that the subject property was a compulsory sale and not reflective of the market. To support this, the board of review included copies of printouts from the recorder of deeds office listing the sales history of the property and a lis pendens. The board of review also included evidence on eight sale comparables. These properties sold from January to November 2012 for prices ranging from \$57.92 to \$81.81 per square foot of building area.

In rebuttal, the appellant submitted a letter asserting that the board of review's comparables are not similar.

Conclusion of Law

The Board denies the board of review's motion to dismiss and finds that the date of the appraisal will go towards the weight that is given this evidence.

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 best evidence of market value to be the appraisal submitted by the appellant. The Board gives diminished weight to the sale of the subject as this sale is a compulsory sale. The subject's assessment reflects a market value above the best evidence of market value in the record. The Board finds the subject property had a market value of \$75,000 as of the assessment date at issue. Since market value has been established the Illinois Department of Revenue's 2013 three-year median level of assessment for class 2 property of 10.06% shall apply. (86 Ill.Admin.Code §1910.50(c)(2)).

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.