



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

APPELLANT: Mark Terrado
DOCKET NO.: 13-32665.001-R-1
PARCEL NO.: 13-28-106-040-1002

The parties of record before the Property Tax Appeal Board are Mark Terrado, the appellant(s), by attorney Stephanie Park, of Park & Longstreet, P.C. in Rolling Meadows; 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: \$1,191
IMPR.: \$20,405
TOTAL: \$21,596

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 is a residential condominium unit contained in an 89 year-old, five-unit, three-story residential condominium building of masonry construction. The property has a 4,126 square foot site and is located in Jefferson Township, Cook County. The subject is classified as a Class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on a contention of law and overvaluation. In support of these arguments, the appellant submitted a partially illegible settlement statement disclosing the subject property was purchased on May 24, 2013 for a price of \$57,225, the Escrow Receipt and Disbursement Authorization, the Commitment for Title Insurance, the Special Warranty Deed and a brief. None of this evidence discloses settlement charges for a real estate broker's commission. The appellant did not submit any information in Section IV–Recent Sale Data of the Residential Appeal or elsewhere in the record whether the parties to the transaction were not

related; the property was sold using a Realtor; the property had been advertised on the open market with a sign in the yard, the Multiple Listing Service, a newspaper, or on the Internet and for how many days or months. The appellant also submitted four illegible condominium analyses prepared by the board of review for properties that were not the subject. Finally, the appellant submitted a brief arguing that the Board should reduce the 2013 assessment because the Cook County Assessor reduced the assessment in 2014. In support of this argument, the appellant cited the cases of 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). Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price when applying the 2013 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 \$21,596. The subject's assessment reflects a market value of \$215,960 when applying the 2013 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 one unit in the building that sold in 2007 for a sales total of \$145,000. The board of review applied a 32.00% market value reduction to the subject for personal property without further evidence to arrive at an adjusted market value of \$98,170 of the one unit sold. The board of review disclosed the unit sold consisted of 12.50% of all units in the building. The result was a full value of the property at \$785,360. Since the subject was 27.50% of all the units, the board of review suggested the market value of the subject to be \$215,974.

In rebuttal, the appellant argued: evidence of comparable sales should not be confined to only sales within the subject's condominium building; the board of review submitted a sale that was not recent; and the board of review did not refute the appellant's assumption that the sale was at arm's-length. The appellant reaffirmed the request for an assessment reduction.

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 taxpayer contends a contention of law as the basis of the appeal. The Board finds the appellant's contention of law is without merit 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 Hoyne and 400 Condominium, *supra*, stand for the proposition that an assessment reduction in a subsequent year requires an assessment reduction in the tax year in the instant appeal absent a glaring error in calculation. The Supreme Court in Hoyne observed that 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 2013 assessment was too high merely because the 2014 assessment was reduced. The appellant failed to present any facts that suggest the Cook County Assessor reduced the 2014 assessment because it was already grossly excessive. Even if the appellant were to present such facts, there is no basis to conclude that the 2013 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. Moreover, as 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.

As to the appellant's argument that the subject was overvalued based on the recent sale, 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 failed to submit evidence that the subject was exposed to the market, was sold at arm's-length to an unrelated party, was sold at fair cash value, or whether the subject was sold in settlement of an installment contract, contract for deed or a foreclosure. Neither the appellant's settlement statement, escrow document, nor title commitment disclose information about a realtor's commission.

The Board finds the appellant's overvaluation argument based on comparable sales did not meet the burden of proof by a preponderance of the evidence. The appellant's comparable sales evidence lacked any information of key property characteristics. The appellant's evidence of condominium analyses of other condominium buildings is illegible and also lacks information of key property characteristics of residential condominium units comparable to the subject.

The Board finds that the subject is not overvalued and holds that a reduction 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: 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.