



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

APPELLANT: W.N. Nemeth and P.S. Geary
DOCKET NO.: 14-24994.001-R-1
PARCEL NO.: 16-07-225-100-0000

The parties of record before the Property Tax Appeal Board are W.N. Nemeth and P.S. Geary, the appellants, by attorney William J. Seitz, of The Law Offices of William J. Seitz, LLC in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented, 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: \$ 2,248
IMPR.: \$ 28,039
TOTAL: \$ 30,287

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 2014 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 townhome located in a 16-unit townhome complex. The dwelling contains 2,167 square feet of living area and is 27 years old. The property has a 1,955 square foot site and is located in Oak Park Township, Cook County. The property is a class 2-95 property under the Cook County Real Property Assessment Classification Ordinance.

Procedurally, this appellant and other appellants within the subject's townhome complex hired an attorney after filing pro se

tax appeals. The attorney requested that all such appeals be consolidated for hearing purposes solely. Without objection from the board of review, the Board granted this request.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating a different townhome in the complex had a market value of \$305,000 as of December 31, 2013. The appellant also submitted four comparable sales. These sales occurred from March 2013 to July 2013 and sold for prices ranging from \$235,000 to \$356,900, or \$129.21 to \$164.69 per square foot of living area. Comparables #1 and #2 are also used in the appraisal. The appellant's comparable #1 or Unit #104 sold for \$280,000 in March 2013 the appellant's comparable #2 or unit #114 sold for \$356,900 in May 2013. The appellant also submitted a copy of the Cook County real estate Transfer Declaration for comparable #4 showing it sold for \$270,000 in March 2013.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$35,728. The subject's assessment reflects a market value of \$359,799 or \$166.04 per square foot of living area, including land, when applying the 2014 three year average median level of assessments for class 2 property of 9.93% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted four equity comparables. The board of review also submitted eight sale comparables. These sales occurred from June 1989 to June 2013 for prices ranging from \$177,000 to \$612,000, or from \$81.68 to \$282.42 per square foot of living area. Seven of these sales occurred from 1989 to 2005.

At hearing, the appraiser, Alan Kveton, was present and testified as to his expertise. He stated that he has 18 years of experience in appraising residential properties and has been working as an appraiser in Berwyn, a neighboring community to Oak Park, for the last eight years. Mr. Kveton also testified that he viewed units #101 and #108 and found them to be similar to unit #109, which he appraised. He did not view any of the other units in the townhome complex.

At hearing, the owners of units #112 and #113 within the subject's complex testified about the condition of their units and any improvements made to their units since their purchase. Diego Perez Mesa, owner of unit #112 testified that he purchased his unit in 2005 and upgraded the kitchen and bathrooms at that time. Dell Bellile, owner of unit #113, testified that he changed the bathtub to a shower, added bookcases, and did some painting to his unit after his purchase. Beyond these minor changes, both appellants testified that there were no major changes.

The board of review representative, Lena Henderson, rested on the evidence previously submitted. In closing, Ms. Henderson stated

that the appraisal should not be used for any units other than 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 to be the appellant's comparable sales. The appraisal submitted was for a comparable property in the complex and not this subject property. Therefore, the Board gives no weight to the appraisal's adjustments and conclusions of value in reference to this subject property. Nevertheless, the Board will consider the raw sales data provided in the appraisal. These comparable sales occurred from March 2013 to July 2013 and sold for prices ranging from \$235,000 to \$356,900, or \$129.21 to \$164.69 per square foot of living area. The subject's assessment reflects a market value of \$166.04 per square foot of living area, including land, which is above the range established by the best comparable sales in this record.

The Board accorded no weight to the board of review's sales due to the extreme distance from sales date to assessment date at issue and or the absence of evidence indicating an arm's length transaction. Based on this evidence the Board finds a 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.

Mario Albino

Chairman

K. L. Ferr

Member

JR

Member

Jerry White

Acting Member

Robert Hoffmann

Member

DISSENTING:

C E R T I F I C A T I O N

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: April 22, 2016

A. Heston

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.