



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

APPELLANT: Stuart Miller
DOCKET NO.: 14-27992.001-R-1 through 14-27992.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Stuart Miller, the appellant(s), by attorney Peter D. Verros, of Verros, Lafakis & Berkshire, P.C. 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:

| DOCKET NO | PARCEL NUMBER | LAND | IMPRVMT | TOTAL |
|------------------|----------------------|-------------|----------------|--------------|
| 14-27992.001-R-1 | 16-13-301-050-1002 | 1,018 | 16,384 | \$ 17,402 |
| 14-27992.002-R-1 | 16-13-301-050-1003 | 1,018 | 16,384 | \$ 17,402 |

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 (the "Board") finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject consists of two condominium units. For ease of reference, the unit with the PIN ending in -1002 will be referred to Unit #1, and the unit with the PIN ending in -1003 will be referred to Unit #2. The property is located in Chicago, West Chicago Township, Cook County. The subject is classified as a class 2-99 property under the Cook County Real Property Assessment Classification Ordinance. No evidence was submitted as to whether any of the units were owner occupied. The subject's respective percentages of ownership were not disclosed.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted six comparable sales of units from outside the subject's building. These units sold from April 2010 to October 2012 for between \$19,000 and \$54,000. These comparables' percentages of ownership and improvement sizes were not disclosed. The

appellant's grid sheet also states that Unit #1 sold in February 2009 for \$56,500. The appellant's evidence state's that either Unit #1, Unit #2, or Unit #1 and Unit #2 has 1,200 square feet of living area. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$34,804. The subject's assessment reflects a market value of \$348,040 when applying the 2014 statutory level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10.00%.

In support of the subject's assessment, the board of review submitted a supplemental brief, arguing that the subject was transferred via a special warranty deed. The board of review argues that the use of a special warranty deed to convey the property after a *lis pendens* had been recorded, may have diminished the sale price, and that, therefore, the sale price does not represent the subject's fair cash value. In support of this argument, the board of review's supplemental brief states that a "deed trail" has been attached to the brief as "Exhibit A." The Board notes that the supplemental brief does not contain any documentation marked as an "Exhibit," let alone any document marked as "Exhibit A." However, after the supplemental brief, three unmarked, partial "deed trails" are attached. These "deed trails" are for appellant's sale comparables #1, #2, and #3.

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 evidence is ambiguous as to the subject's improvement size. Moreover, the sale comparables' improvement sizes were not disclosed. Thus, the Board is unable to determine the subject units' market value per square foot, and is similarly unable to determine the sale comparables' market value per square foot. Therefore, the Board is unable to determine whether the subject is overvalued as the appellant has argued. The Board finds that the appellant has not proven, by a preponderance of the evidence, that the subject is overvalued, and that a reduction in the subject's assessment 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. Pursuant to Section 1910.50(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



Acting Member



Member



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: September 22, 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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

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