



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

APPELLANT: Ed Stevens
DOCKET NO.: 14-28192.001-R-1
PARCEL NO.: 23-36-303-124-1043

The parties of record before the Property Tax Appeal Board are Ed Stevens, the appellant(s), by attorney Joanne Elliott, of Elliott & Associates, P.C. in Des Plaines; 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: \$7,223
IMPR.: \$22,173
TOTAL: \$29,396

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 is a residential condominium unit contained in a two-unit duplex, and part of a 32 year-old, 69-unit residential condominium development. The subject represents 1.7873% of the development. The property has a 293,935 square foot site and is located in Palos Township, Cook County. The property is a Class 2-99 property under the Cook County Real Property Assessment Classification Ordinance.

The Board notified the board of review on August 28, 2015 that the appellant filed a Residential Appeal. The notice informed the board of review that it had 90 days to submit its evidence. The board of review filed its Notes on Appeal and evidence on November 20, 2015, the first business day following the official Thanksgiving holiday for the State of Illinois.

The appellant contends overvaluation as the basis of the appeal in alternative arguments. The appellant submitted information on suggested comparable sales for four units in the development which sold from 2012 through 2014 for prices ranging from \$207,500 to \$225,000, and which represented from 1.4116% to 1.4150% of the development.

The appellant also asserted an overvaluation argument based on the 2009 sale of the other half of the duplex containing the subject unit for the price of \$250,000. The appellant submitted a Warranty Deed as evidence of this 2009 sale. From this information, the appellant asserted the subject's market value was \$250,000. The appellant argued that this market value should be reduced by \$100,000 to account for the subject's damaged physical condition, for an assessment reduction of \$10,000 when applying the 2014 level of assessment of 10.00% for Class 2 property under the Cook County Real Property Assessment Classification Ordinance. The resulting suggested total assessment is \$15,000. In support of the assertion that the market value should be reduced due to physical damage, the appellant submitted: 1) three pages of notes from the appellant listing various damage to the subject; 2) correspondence dated in the year 2007 regarding damages; 3) construction proposals dated from 2008 through 2010; 4) an undated affidavit of the appellant pertaining to damage repairs undertaken from 2007 through 2010; and 5) various color photographs of the subject's interior.

The appellant made an additional alternative overvaluation argument by submitting a condominium analysis with information on 19 units, 15 of which sold from 2012 through 2014, and four of which were listed but not sold. The appellant included the listed properties in his analysis. The appellant applied a 15.00% market value reduction for personal property without further evidence to substantiate the personal property reduction to arrive at an adjusted market value of \$13,548,456. Since the subject was 1.7873% of all the units, the appellant suggested the market value of the subject to be \$242,167, for an assessment of \$24,217 when applying the 2014 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 \$29,396. The subject's assessment reflects a market value of \$293,960 when applying the 2014 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 13 units in the development which sold from 2012 through 2014 for a sales total of \$3,347,500. Each of these 13 sales was also reported in the appellant's condominium analysis. The board of review applied a 2.00% market value reduction to the subject for personal property without further evidence to arrive at an adjusted market value of \$3,280,550 of the 13 units sold. The board of review disclosed the units sold consisted of 18.9381% of all units in the development. The result was a full value of the property at \$17,322,487. Since the subject was 1.7873% of all the units, the board of review suggested the market value of the subject to be \$309,605.

In rebuttal, the appellant argued that the Board should accord no weight to the board of review's evidence because it was not timely filed. The appellant also argued that the board of review's condominium analysis contained conflicting information about the percentage of personal property reduction. 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 appellant's argument that the board of review's evidence should be accorded no weight because it was not timely filed is without merit. The record disclosed that the passage of 90 days after the board of review was notified of the appellant's appeal occurred during the Thanksgiving holiday. The board of review filed its Notes on Appeal and evidence on the first business day thereafter. [W]hen the time period expires on a Saturday, Sunday or a legal holiday for the State of Illinois, the time period shall be extended to include the next following business day." 86 Ill.Admin.Code §1910.25(a).

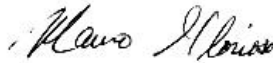
The appellant's initial overvaluation argument that the other half of the duplex residential condominium building containing the subject set the market price of the subject is without merit. The evidence disclosed that sale occurred in 2009. Not only was this sale not recent, it was not a sale of the subject itself. Further, the appellant did not submit sufficient evidence to support his assertion that the subject's market value was affected by physical damage. The correspondence and construction proposals were from 2007 through 2010. There was no evidence of recently existing damage or of how, if at all, this damage diminished the market value by the claimed \$100,000.

The appellant's next overvaluation argument is based on four recent sales of units in the condominium development. The Board finds the appellant failed to submit "documentation of the similarity, proximity and lack of distinguishing characteristics of the sales comparables to the subject property." 86 Ill.Admin.Code §1910.65(c)(4). The only information provided consisted of dates of sales and sale prices. It is noted that these four sale comparables ranged from 1.4116% to 1.415% of the development, whereas the subject was 1.7873% of the development. Consequently, the Board finds this overvaluation argument is without merit.

As to the appellant's final alternative overvaluation argument, the Board finds the best evidence of market value to be the board of review's condominium analysis with the addition of an April 2014 sale reported by the appellant for the unit designated Property Index Number 1012 (hereinafter "PIN 1012"). It sold for the price of \$225,000 and represented 1.4116% of the development. Listings reported by the appellant are excluded. By including the sale of PIN 1012 in the board of review's analysis of 13 sales, the total of recent sales is \$3,572,500. No reduction is applied for personal property because no support for it was submitted by either party. The 14 units sold consisted of 20.3497% of all units in the development. The result was a full value of the property at \$17,555,541. Since the subject was 1.7873% of all the units, the market value of the subject is \$313,770. The subject's assessment reflects a market value of \$293,960 when applying the 2014 level of assessment of 10.00% for Class 2 property under the Cook County Real Property Assessment Classification Ordinance, which is below the market

value suggested by the analysis. Based on this evidence, the Board finds a reduction in the subject's assessment is not 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.



Chairman



Member



Member



Acting 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: _____

April 21, 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.