



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

APPELLANT: C & V Holdings, LLC
DOCKET NO.: 14-34754.001-R-1
PARCEL NO.: 12-36-215-031-0000

The parties of record before the Property Tax Appeal Board are C & V Holdings, LLC, the appellant, by Thomas M. Battista, of the Law Offices of Thomas M. Battista 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:

LAND: \$2,709
IMPR.: \$19,841
TOTAL: \$22,550

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) 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 two-story multi-family dwelling of masonry construction with 3,176 square feet of living area. The dwelling is 53 years old. Features of the home include a full basement apartment and a three-car garage. The property has a 3,870-square foot site and is located in Elmwood Park, Leyden Township, Cook County. The subject is classified as a class 2-11 apartment building property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal was marked as if a recent appraisal of the subject property was being submitted as evidence that the subject property was being overvalued. However, the appellant's attorney failed to submit an appraisal and instead submitted a brief arguing that the subject property should receive a "Residential Rollover".

The appellant's attorney disclosed that the subject property was the subject matter of an appeal before the Property Tax Appeal Board the prior year under docket number 13-26832.001-R-1. In that appeal the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property to \$20,000 based on the evidence submitted by the parties. The appellant's attorney asserted that 2013 and 2014 were within the same general assessment period for residential property and that the previous decision should remain in effect for the remainder of the general assessment period as provided by section 16-185 of the Property Tax Code (35 ILCS 200/16-185). Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the prior year's decision.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$22,550. The subject's assessment reflects a market value of \$225,500 or \$71.00 per square foot of living area, land included, when using the level of assessments for class 2 property of 10% under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment the board of review submitted information on four comparable properties, two of which were located within a quarter-mile of the subject and two located on the same block as the subject property. The comparables were similar multi-family dwellings that had varying degrees of similarity to the subject. One comparable sold in June 2012 for a price of \$240,000 or \$68.97 per square foot of living area including land.

The board of review's evidence included a brief arguing that the appellant does not occupy the subject dwelling and therefore, should not be entitled to a "Rollover".

The appellant's attorney submitted rebuttal critiquing the board of review's submission and acknowledging that the subject is not owner-occupied.

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.

As to the appellant's attorney's request to have the 2013 Property Tax Appeal Board's decision be rolled over to the tax year 2014, the Board finds the subject of the appeal is not subject to the "rollover" provision provided by section 16-185 of the Property Tax Code (35 ILCS 200/16-185). Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence **occupied by the owner** is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction

establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

The appellant's attorney acknowledged that the subject is not owner-occupied, and therefore, the Board finds the subject entitled to the "rollover" provision provided by section 16-185 of the Property Tax Code (35 ILCS 200/16-185).

The Board finds the only evidence of market value, although being a dated sale, to be the board of review's comparable that sold in June 2012 for \$240,000. The subject's assessment reflects a market value of \$225,500, which is below the market value of the only comparable sale in the record. 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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) 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



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: April 17, 2018



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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

C & V Holdings, LLC, by attorney:
Thomas M. Battista
Law Offices of Thomas M. Battista
10 South LaSalle Street
Suite 3600
Chicago, IL 60603

COUNTY

Cook County Board of Review
County Building, Room 601
118 North Clark Street
Chicago, IL 60602