



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

APPELLANT: Timothy Cross  
DOCKET NO.: 15-22176.001-R-1  
PARCEL NO.: 14-05-315-013-0000

The parties of record before the Property Tax Appeal Board are Timothy Cross, the appellant, by attorney Timothy E. Moran, of Schmidt Salzman & Moran, Ltd. 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 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:** \$18,748  
**IMPR.:** \$30,960  
**TOTAL:** \$49,708

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 2015 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 dwelling of masonry construction with 1,548 square feet of living area. The dwelling is 60 years old. Features of the home include a slab foundation, central air conditioning, a fireplace and a 1.5-car garage. The property has a 4,687-square foot site and is located in Chicago, Lake View Township, Cook County. The subject is classified as a class 2-07 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends improvement assessment inequity as the basis of the appeal.<sup>1</sup> In support of this argument the appellant submitted information on five equity comparables that were

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<sup>1</sup> The appellant's appeal included limited information regarding the subject's 2013 sale, however, the appellant's attorney failed to indicate the appeal was based in part on a recent sale and did not fully complete Section IV as required by the Property Tax Appeal Board. Section 16-180 of the Property Tax Code states in pertinent part: *Each appeal shall be limited to the grounds listed in the petition.* (35 ILCS 200/16-180)

located in a different neighborhood code as the subject property. The comparables had varying degrees of similarity to the subject. The comparables were all significantly newer than the subject and, all but one, had basement foundations, unlike the subject. The comparables had improvement assessments ranging from \$35,227 to \$37,149 or from \$22.07 to \$23.28 per square foot of living area.<sup>2</sup>

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$55,869. The subject property has an improvement assessment of \$37,121 or \$23.98 per square foot of living area. In support of its contention of the correct assessment the board of review submitted information on one equity comparable that was located in the same neighborhood code as the subject property. The comparable had varying degrees of similarity to the subject, however, the comparable was significantly newer, considerably larger and had a basement foundation that was finished, unlike the subject. The comparable had an improvement assessment of \$57,344 or \$28.76 per square foot of living area.

### **Conclusion of Law**

The taxpayer contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). 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 assessment equity to be the appellant's comparables, even though they were not located in the subject's neighborhood. These comparables were most similar to the subject in size and some features. The comparables were, however, superior to the subject in age and all but one had a basement foundation, unlike the subject. These comparables had improvement assessments that ranged from \$35,227 to \$37,149 or from \$22.07 to \$23.28 per square foot of living area. The subject's improvement assessment of \$37,121 or \$23.98 per square foot of living area falls within the range established by the best comparables in this record on a total improvement assessment basis and slightly above the range on a per square foot basis. However, considering adjustments to the best comparables in this record when compared to the subject, the Board finds the subject's improvement assessment is excessive and a reduction is warranted. The Board gave less weight to the board of review's comparable due to its newer age, larger size and finished basement when compared to the subject. Based on this record the Board finds the appellant demonstrated with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is justified.

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<sup>2</sup> The appellant's assessment grid erroneously listed the subject's assessment as reflected prior to the reduction granted by the board of review.

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

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