



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

APPELLANT: Christopher Plummer
DOCKET NO.: 15-23594.001-R-1
PARCEL NO.: 02-22-201-050-0000

The parties of record before the Property Tax Appeal Board are Christopher Plummer, the appellant, by attorney Michael 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 **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: \$1,800
IMPR.: \$16,488
TOTAL: \$18,288

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, multi-family dwelling of masonry construction. The dwelling is approximately 48 years old and has 2,893 square feet of living area. Features of the dwelling include three apartment units, a full basement finished for an apartment and a two-car detached garage.¹ The property has a 6,000-square foot site and is located in Palatine, Palatine Township, Cook County. The subject is classified as a class 2-11 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted evidence disclosing the subject property was purchased on October 31, 2014, for a

¹ According to the board of review, the subject property has central air conditioning; however, the appellant stated that the subject dwelling does not have central air conditioning. The MLS data sheet submitted by the appellant did not indicate the subject dwelling had central air conditioning.

price of \$180,000 or for \$62.22 per square foot of living area, land included. In Section IV – Recent Sale Data of the residential appeal form, the appellant stated the seller was Fannie Mae; the parties to the transaction were not related; the property was sold using a realtor; the property had been advertised for sale with a multiple listing service (MLS); and the subject property was a bank-owned property that was on the market for 130 days prior to its sale. To document the transaction, the appellant submitted copies of the subject’s settlement statement, real estate contract, special warranty deed and MLS data sheet. The settlement statement revealed that commissions had been paid to realty firms; the real estate contract revealed the property was sold in “as-is” condition; and the MLS data sheet disclosed the subject property’s listing history. The subject was originally listed for sale on June 10, 2014 at a price of \$299,900 but did not sell. After 130 days on the market and at least two price reductions, the property sold for a price of \$180,000. The appellant’s attorney submitted a brief, in which counsel stated the subject property was vacant when it was purchased and was being completely renovated. The appellant submitted photographic evidence regarding the renovation. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$32,439. The subject's assessment reflects a market value of \$319,281 or \$110.36 per square foot of living area, land included, when using the 2015 three-year average median level of assessment for class 2 property of 10.16% under the Cook County Real Property Assessment Classification Ordinance as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted information on four comparable sales that sold from September 2014 to June 2015 for prices that ranged from \$290,000 to \$370,000 or from \$74.38 to \$151.73 per square foot of living area, land included. The comparables have the same assigned classification code as the subject; however, only two of the comparables have the same assigned neighborhood code as the subject. Their sites range from 4,695 to 6,996 square feet of land area. The comparables are improved with two or three-story, multi-family dwellings of masonry, frame or frame and masonry construction. The dwellings range in age from 24 to 54 years old and contain from 2,076 to 4,638 square feet of living area. Three comparables have three apartment units, and one of the comparables has four apartment units. Two of the comparables have basements with finished area, and the other two comparables have concrete slab foundations. One of the comparables has a four-car garage. As part of the submission, a board of review analyst stated the subject sold as “an REO foreclosure sale, below market value.” Based on this evidence, the board of review requested confirmation of the subject’s assessment.

The appellant’s attorney submitted a rebuttal in which counsel asserted that the board of review’s market evidence consisted of “raw, unconfirmed and unadjusted” sales.

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 purchase of the subject property in October 2014 for a price of \$180,000 or for \$62.22 per square foot of living area, land included. The appellant provided sufficient evidence to demonstrate that the subject's sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the residential appeal form disclosing the parties to the transaction were not related, the property was sold using a realtor, the property had been advertised on the open market with a multiple listing service, and the property was on the market for 180 days prior to its sale. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review attempted to challenge the arm's length nature of the transaction but was not able to refute the appellant's contention that the purchase price was reflective of market value. The board of review presented four sales that were not all that comparable to the subject property. Although these properties sold proximate to the assessment date, the Board finds all of these properties differed from the subject in living area; two of the comparables also differed in location and foundation; and one of the comparables was significantly newer than the subject. Consequently, the Board finds the board of review's market evidence was not able to overcome the subject's arm's length purchase. The Board finds the subject's listing history and October 2014 sale price of \$180,000 to be more accurate indicators of the subject's market value as of the subject's January 1, 2015 assessment date.

Based on this record, the Board finds the subject property had a market value of \$62.22 per square foot of living area, including land, or \$180,000 as of January 1, 2015. Since market value has been determined, the 2015 three-year average median level of assessments for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10.16% shall apply. 86 Ill.Admin.Code §1910.50(c)(2)

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: June 19, 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

Christopher Plummer, by attorney:
Michael Elliott
Elliott & Associates, P.C.
1430 Lee Street
Des Plaines, IL 60018

COUNTY

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