



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

APPELLANT: Andrew Maxwell
DOCKET NO.: 15-30974.001-R-1
PARCEL NO.: 13-36-400-032-0000

The parties of record before the Property Tax Appeal Board are Andrew Maxwell, 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 **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: \$6,741
IMPR.: \$27,362
TOTAL: \$34,103

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 exterior construction with 2,543 square feet of living area. The dwelling is approximately 112 years old. Features include a full basement finished as an apartment. The property has a 2,996-square foot site and is located in Chicago, West Chicago Township, Cook County. The subject is classified as a class 2-11 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends assessment inequity and overvaluation as the bases of the appeal. In support of the inequity argument the appellant submitted information on five equity comparables located within the same neighborhood code as the subject property. The comparables consist of two-story multi-family dwellings that range in age from 95 to 120 years old. The comparables had features with varying degrees of similarity when compared to the subject. The dwellings

range in size from 2,460 to 2,604 square feet of living area and have improvement assessments ranging from \$24,303 to \$25,102 or from \$9.41 to \$9.88 per square foot of living area.

In support of the overvaluation argument, the appellant disclosed the subject was purchased on October 22, 2012 for a price of \$153,000. To document the sale, the appellant submitted a copy of the Escrow Trust Disbursement Statement and the city of Chicago Real Estate Transfer Declaration. Based on this evidence, the appellant requested the total assessment be reduced to \$15,300.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$34,103. The subject's assessment reflects a market value of \$341,030 or \$134.11 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. The subject property has an improvement assessment of \$27,362 or \$10.76 per square foot of living area.

In support of its contention of the correct assessment the board of review submitted information on four equity comparables located within the same neighborhood assessment code as the subject property. The comparables consist of two-story multi-family dwellings that range in age from 117 to 125 years old. The comparables had varying degrees of similarity when compared to the subject. The dwellings range in size from 2,352 to 2,503 square feet of living area and are situated on sites ranging in size from 2,343 to 3,331 square feet of land area. The comparables have improvement assessments ranging from \$28,489 to \$30,867 or from \$12.11 to \$12.64 per square foot of living area.

The board of review also submitted four comparable sales located within the same neighborhood code as the subject property. The comparables consist of two-story multi-family dwellings that range in age from 104 to 125 years old. The comparables had features with varying degrees of similarity when compared to the subject. The dwellings range in size from 2,164 to 2,770 square feet of living area and are situated on sites ranging in size from 2,750 to 3,875 square feet of land area. The comparables sold from June to August of 2013 for prices ranging from \$379,000 to \$700,000 or from \$170.87 to \$283.63 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellant contends in part 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 on this basis.

The Board finds the best evidence of market value to be the board of review's comparables #2 through #4. These properties sold proximate in time to the January 1, 2015 assessment date at issue and were similar to the subject in location, age, size, dwelling design and other features.

The comparables sold for prices ranging from \$379,000 to \$505,000 or from \$170.87 to \$207.86 per square foot of living area, including land. The subject's total assessment reflects a market value of \$341,030 or \$134.11 per square foot of living area, including land which falls below the range established by the best comparables in this record. The Board gave little weight to the subject's October 2012 sale date. The Board finds that the appellant failed to disclose if the property was advertised for sale, the manner on how it was advertised and the length of time on the market, which are important elements when demonstrating the sale had the elements of an arm's length transaction. Additionally, the Board gave less weight to the board of review's sale #1 as this appears to be an outlier when compared with the remaining sales in the record. Based on this record the Board finds the subject's assessment is reflective of market value and a reduction in the subject's assessment is not justified on this basis.

The taxpayer also 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted on this basis.

The parties submitted nine equity comparables for the Board consideration. The Board finds the appellant's comparables and the board of review's comparables are similar when compared to the subject in location, age, size, dwelling design and other features. These comparables had improvement assessments ranging from \$9.41 to \$12.64 per square foot of living area. The subject's improvement assessment of \$10.76 per square foot of living area falls within the range established by the comparables in this record. Based on this record, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified on this basis.

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

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