



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

APPELLANT: Leslie Avery
DOCKET NO.: 15-33091.001-R-1
PARCEL NO.: 16-01-223-055-0000

The parties of record before the Property Tax Appeal Board are Leslie Avery, 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: \$7,204
IMPR.: \$39,412
TOTAL: \$46,616

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 three-story multi-family building of masonry construction with 5,790 square feet of living area. The building is approximately 118 years old. Features of the building include a full unfinished basement and central air conditioning. The property has a 3,202 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's appeal is based in part on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on April 5, 2013 for a price of \$400,000. The appellant provided a copy of the settlement statement disclosing the seller was Potomac Property Management, LLC. The settlement statement also indicated that real estate brokers fees in the amount of \$13,000 were paid. The appellant also provided a copy

of the sales contract signed by the purchaser on September 17, 2012 and signed on behalf of the seller on October 21, 2012. The sales contract also included a Short Sale Addendum in which the contract was contingent on the Lender accepting a payoff that was less than the balance due on the mortgage.

As an alternative argument the appellant contends assessment inequity as the basis of the appeal. In support this argument the appellant submitted information on five comparables improved with one, two-story multi-family building and four, three-story multi-family buildings that range in size from 5,730 to 5,838 square feet of living area. The buildings range in age from 97 to 122 years old. Four comparables have a full unfinished basement and three comparables each have a two-car detached garage. These properties have improvement assessments ranging from \$34,423 to \$38,394 or from \$5.96 to \$6.58 per square foot of living area.

Based on this evidence the appellant requested the subject's total assessment be reduced to \$40,000 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 \$46,616. The subject's assessment reflects a market value of \$466,160 or \$80.51 per square foot of living area, land included, when using the Cook County Real Property Assessment Classification Ordinance level of assessments for class 2 property of 10%. The subject property has an improvement assessment of \$39,412 or \$6.81 per square foot of living area.

In support of its contention of the correct assessment the board of review submitted information on four comparables improved with one, two-story multi-family building and three, three-story multi-family buildings that range in size from 2,426 to 5,625 square feet of living area. The buildings range in age from 117 to 133 years old. Each comparable has a full unfinished basement. These properties have improvement assessments ranging from \$28,115 to \$41,880 or from \$7.41 to \$11.59 per square foot of living area. The record further disclosed that board of review comparable #2 sold in May 2014 for a price of \$795,000 or \$152.15 per square foot of living area, including land.

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 appellant provided evidence that the subject property was purchased in April 2013 for a price of \$400,000. The appellant did not complete Section IV of the appeal, which would have provided information with respect to whether the parties to the transaction were related and the amount and time of exposure of the property to the open market. Additionally, the evidence provided by the appellant included a Short Sale Addendum to the contract, which indicates that

the seller was under some compulsion or duress to complete the transaction. The Board further finds the sale occurred approximately 20 months prior to the assessment date at issue, which calls into question whether the purchase price is indicative of fair cash value as of January 1, 2015. The board of review also provided a comparable that sold in May 2014 for a price of \$795,000 or \$152.15 per square foot of living area., including land. The subject's assessment reflects a market value of \$466,160 or \$80.51 per square foot of living area, land included, which falls between the subject's purchase price and the comparable sale provided by the board of review. Based on this record and considering both the subject's sale and the comparable sale provided by the board of review, the Board finds the subject's assessment is reflective of the property's fair cash value as of January 1, 2015.

As an alternative argument the appellant contends assessment inequity as a basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments by clear and convincing evidence. 86 Ill.Admin.Code 1910.63(e). After an analysis of the assessment data, the Board finds the appellant has not met this burden and a reduction in the assessment is not warranted on this basis.

The record contains nine comparables to support their respective positions. The Board finds the best comparables to be appellant's comparables #2, #3 and #5 and board of review comparables #1, #2 and #4. These six comparables were similar to the subject in three-story design, exterior construction, size and features. These properties have improvement have improvement assessments that range from \$6.29 to \$7.75 per square foot of living area. The subject's improvement assessment of \$6.81 per square foot of living area falls within the range established by the best comparables in this record. Less weight was given appellant's comparable #1 due to its two-story style and appellant's comparable #4 due to its inferior slab foundation. The Board gave less weight to board of review comparable #3 due to its two-story design and significantly smaller size than the subject building.

Based on this record 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: May 15, 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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