



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

APPELLANT: Thomas Kelley
DOCKET NO.: 15-35507.001-R-1
PARCEL NO.: 13-17-306-030-0000

The parties of record before the Property Tax Appeal Board are Thomas Kelley, the appellant; 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: \$6,187
IMPR.: \$13,013
TOTAL: \$19,200

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 is improved with a 1.5-story dwelling of frame construction with 1,338 square feet of living area. The dwelling is approximately 97 years old. Features of the property include a full unfinished basement and a detached garage with 400 square feet of building area. The property has a 5,625 square foot site and is located in Chicago, Jefferson Township, Cook County. The subject is classified as a class 2-03 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 August 9, 2013 for a price of \$192,000. The appellant completed Section IV – Recent Sale Data of the appeal identifying the sellers as William and Sandra Baldree and indicated that the parties were not related. The appellant further asserted the subject property was sold through a Realtor, the property was advertised in the Multiple Listing Service (MLS), and the property had been advertised for

approximately four months. To document the transaction, the appellant provided a copy of the Warranty Deed and a copy of the settlement statement.

The appellant submitted a brief arguing that the recent sale is the best indication the property's fair cash value. The appellant also requested that the three-year median level of assessments for class 2 property as determined by the Illinois Department of Revenue be applied to the purchase price pursuant to section 1910.50(c)(2)(A) of the rules of the Property Tax Appeal Board. (86 Ill.Admin.Code §1910.50(c)(2)(A)). The appellant provided a copy of form PTAX-215 from the Illinois Department of Revenue, Assessment Ratios Adjusted for Changes through 2014 board of review Cook County, disclosing the three-year average median level of assessments for class 2 property of 9.93%. The appellant asserted that the three-year average median level of assessment for class 2 property for 2015 had not been released by the Illinois Department of Revenue as of the date of filing the appeal. He requested that the three-year average median level of assessment for class 2 property in effect for 2014 less 1% be applied to arrive at a total revised assessment of \$17,146.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$19,200. The subject's assessment reflects a market value of \$188,976 or \$141.24 per square foot of living area, land included, when using the 2015 three-year average median level of assessments 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 improved with two 1-story dwellings and two 1.5-story dwellings of frame or masonry construction that range in size from 1,045 to 1,320 square feet of living area. The dwellings range in age from 92 to 102 years old. Each comparable has a full basement with two having recreation rooms, one comparable has central air conditioning and each comparable has a two-car garage. These properties sold from November 2012 to August 2014 for prices ranging from \$199,000 to \$260,000 or from \$164.77 to \$231.58 per square foot of living area, including land.

The board of review submission also included a brief challenging the appellant's request for the use of the three-year median level of assessments as reflected on Illinois Department of Revenue form PTAX-215. Included with the brief was a copy of the Illinois Department of Revenue form PTAX-215 for the 2015 tax year reporting the three-year average median level of assessment for class 2 property of 10.16%. Also submitted was a copy of Ordinance 08-O-51 issued by the Cook County Board of Commissioners amending Chapter 74 Taxation, Article II, Section 74-64, effective for the 2009 tax year, establishing a level of assessment for class 2 property of 10 percent. Applying the Ordinance level of assessment for class 2 property to the subject's total assessment reflects a market value of \$192,000.

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.

The Board finds the best evidence of market value to be the purchase of the subject property in August 2013 for a price of \$192,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal 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 the Multiple Listing Service and it had been on the market for approximately four months. In further support of the transaction the appellant submitted a copy of the settlement statement and a copy of the warranty deed. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction. The Board finds, however, the purchase price is below the market value reflected by the subject's assessment if one applies the 2015 three-year average median level of assessment for class 2 as determined by the Illinois Department of Revenue of 10.16%. However, the subject's assessment is reflective of the subject's purchase price if one applies the Cook County Real Property Assessment Classification Ordinance level of assessment of class 2 of 10%. As a final point, the comparable sales provided by the board of review demonstrate the subject property is not overvalued. Based on this record, and considering the fact the board of review did not request an increase in the subject's assessment through the application of the 2015 three-year average median level of assessment for class 2 as determined by the Illinois Department of Revenue of 10.16%, 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(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) 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



Acting 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: November 21, 2017



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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