



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

APPELLANT: Frederica Fissell  
DOCKET NO.: 15-39839.001-R-1  
PARCEL NO.: 05-33-426-035-0000

The parties of record before the Property Tax Appeal Board are Frederica Fissell, the appellant, by Jessica Hill-Magiera, Attorney at Law in Lake Zurich; 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:** \$4,431  
**IMPR.:** \$19,569  
**TOTAL:** \$24,000

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a two-story townhome of masonry construction with 1,388 square feet of living area. The dwelling was constructed in 1955 and is situated on a 4,220 square foot site in Evanston, Evanston Township, Cook County. The subject is classified as a class 2 property under the Cook County Real Property Classification Ordinance.

The appellant contends that as a contention of law the subject's 2014 assessment should be carried forward to the 2015 tax year. In support of this argument the appellant states the subject is owner-occupied and tax year 2014 is in the same general assessment period as tax year 2015. The appellant submitted a copy of the Final Administrative Decision issued by the Property Tax Appeal Board for tax year 2014 establishing a total assessment for the subject of \$24,000, which reflects a market value of approximately \$240,000. The appellant reported the subject's 2015 assessment of \$31,280 which reflects a market value of approximately \$312,800 using the Cook County Real Property Classification Ordinance level of 10% for class 2 property. Based on this evidence the appellant requested the subject's 2015 assessment be reduced to reflect the Property Tax Appeal Board's prior year decision.

The board of review did not timely submit its "Board of Review Notes on Appeal" or timely submit its evidence in support of its assessed valuation of the subject property.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3<sup>rd</sup> Dist. 2002). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the subject property was the subject matter of an appeal before the Property Tax Appeal Board the prior year under docket number 14-22386.001-R-1. In that appeal, the Property Tax Appeal Board rendered a decision lowering the subject's assessment to \$24,000 based on the weight and equity of the evidence. The board of review failed to timely submit its Notes on Appeal and evidence to support the subject's assessment for the 2015 assessment year as required by Section 1910.40(a) of the Official Rules of the Property Tax Appeal Board and is found to be in default pursuant to Section 1910.69(a). The unrefuted record in this appeal established that the subject property is an owner-occupied residence and that 2014 and 2015 are in the same general assessment period. 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 on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. (35 ILCS 200/16-185)

Based on this statutory language, the Board finds its prior year's decision must be carried forward to the subsequent assessment year. This finding is pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185). In addition, the record contains no evidence indicating the subject property sold in an arm's-length transaction subsequent to the Board's prior year's decision or that assessment year in question is a different general assessment period.

Furthermore, the Property Tax Appeal Board's 2014 assessment decision regarding the subject was not reversed or modified upon administrative review by the courts. Therefore, a reduction in the subject's assessment for tax year 2015 is warranted, subject to equalization, if any. The Property Tax Appeal Board finds its 2014 assessment of the subject property shall be carried forward in accordance with section 16-185 of the Property Tax Code (35 ILCS 200/16-185).

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

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: January 15, 2019



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

Frederica Fissell, by attorney:  
Jessica Hill-Magiera  
Attorney at Law  
790 Harvest Drive  
Lake Zurich, IL 60047

COUNTY

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