



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

APPELLANT: Inverclyde, LLC  
DOCKET NO.: 15-39868.001-R-1  
PARCEL NO.: 31-14-415-009-0000

The parties of record before the Property Tax Appeal Board are Inverclyde, LLC, the appellant, by attorney Abby L. Strauss, of Schiller Strauss & Lavin PC 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 **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:

<b>LAND:</b>	\$5,265
<b>IMPR.:</b>	\$6,235
<b>TOTAL:</b>	\$11,500

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) 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 a one-story dwelling of frame and masonry construction containing 2,350 square feet of living area. The dwelling is approximately 47 years old with a partial unfinished basement and a two-car garage. The property has a 16,200 square foot site located in Olympia Fields, Rich Township, Cook County. The subject is classified as a Class 2-04 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant marked "Contention of law" as the basis of the appeal in Section 2d of the Residential Appeal petition. The appellant through legal counsel submitted a 2015 assessment appeal with the Property Tax Appeal Board following a Final Administrative Decision of the Property Tax Appeal Board (PTAB) issued on October 20, 2017 concerning the subject property in Docket No. 14-31277.001-R-1. In that appeal, the PTAB rendered a decision lowering the subject's assessment to \$11,500 based on its sale on September 16, 2014 for a purchase price of

\$115,000 or \$48.94 per square foot of living area, land included. In this appeal, the appellant included copies of the Settlement Statement, Real Estate Contract, PTAX-203 Illinois Real Estate Transfer Declaration, and the prior year's 2014 decision of the PTAB disclosing the subject property was transferred by warranty deed and was advertised and sold by a realtor. The appellant did not complete Sections III -VII of the Residential Appeal petition and did not specifically submit a legal brief from counsel or cite a statute to support its contention of law beyond a cover letter citing Section 16-185 as a "direct appeal." Based on this evidence, the Appellant requested a reduction in the subject's assessment identical to the prior year's decision.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$15,379. The subject's assessment reflects a market value of \$153,790 or \$65.44 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.

In support of its contention of the correct assessment, the board of review submitted a grid analysis containing information on four comparable sales. The comparables are located within the subject's same neighborhood code. The comparables are one-story or 1.5-story dwellings of masonry or frame and masonry construction ranging in size from 1,860 to 2,358 square feet of living area. The comparables are 54 or 59 years old. Three of the comparables have partial or full basements with finished areas. Each comparable has central air-conditioning, one or two fireplaces and a two-car garage. The comparables sold from March 2014 to October 2015 for prices ranging from \$159,000 to \$195,000 or from \$75.42 to \$85.48 per square foot of living area, land included.

The board of review's evidence also included a supplemental brief arguing that the subject's sale was through a special warranty deed and the appellant failed to provide substantive, documentary evidence that the sale was an arm's-length transaction. The board of review did not otherwise refute the evidence submitted by the appellant or present any credible evidence indicating the sale was not an arm's-length transaction. The brief also included an illegible copy of the subject's deed history from the Cook County Recorder of Deeds website.

The appellant's attorney submitted a rebuttal brief, along with a copy of the PTAB's 2014 decision, requesting the subject's assessment be carried forward from the PTAB's 2014 decision under Docket Number 14-31277.001-R-1.

### **Conclusion of Law**

As an initial matter regarding the appellant's attorney's request to have the Board's 2014 decision carried forward to the tax year 2015, the Board finds the subject property is not subject to the "rollover" provision as provided by Section 16-185 of the Property Tax Code (35 ILCS 200/16-185). Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in pertinent 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. . . . [Emphasis added.]

The Board finds that the appellant's attorney did not provide any evidence showing the subject is an owner-occupied dwelling. In addition, the appellant's address on the appeal form is not the same address as the address of the subject property. Furthermore, the named appellant/taxpayer is "Inverclyde, LLC," or a limited liability company, which further detracts from the possibility that the subject is "owner-occupied."

For this 2015 appeal, the appellant implied 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 meet this burden of proof and a reduction in the subject's assessment is warranted.

Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). A contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). Furthermore, the sale of a property during the tax year in question is a relevant factor in considering the validity of the assessment. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369, 375 (1st Dist. 1983).

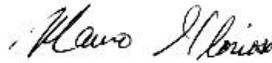
The Board finds the best evidence of market value to be the purchase of the subject property in September 16, 2014 for a price of \$115,000 or \$48.94 per square foot of living area, land included. As to the board of review's challenge of the arm's-length transaction of the subject property, the Board also finds the subject's sale appears to have met the fundamental elements of an arm's-length transaction as provided in the appellant's evidence showing the subject's title used to transfer title was a warranty deed, and the subject was advertised for sale and sold by a realtor. The settlement statement depicts distribution of brokers fees to two entities which are both depicted on the Real Estate Sales Contract. Additionally, the PTAX-203 indicates it was advertised prior to the sale.<sup>1</sup> Furthermore, the board of review did not provide any evidence to support its challenge that the subject sold through a special warranty deed or refute the evidence submitted by the appellant indicating the sale was an arm's-length transaction.

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<sup>1</sup> The PTAX-203 also indicates the property will not be the buyer's principal residence.

The board of review submitted information on four comparable sales of dwellings with varying degrees of similarity to the subject property. The Board gave less weight to the board of review's comparable sales because of differences in design, dwelling size, age, foundation and other features, such as air conditioning, when compared to the subject. Consequently, the Board finds the best evidence of market value to be the subject's purchase price on September 16, 2014 for a price of \$115,000 or \$48.94 per square foot of living area, land included. Based on this evidence, the Board finds a reduction in the subject's assessment is 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: 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

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