



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

APPELLANT: Inverclyde, LLC
DOCKET NO.: 15-39873.001-R-1
PARCEL NO.: 33-06-203-015-0000

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 **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: \$2,637
IMPR.: \$7,815
TOTAL: \$10,452

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 consists of a multi-level dwelling of frame construction with 1,017 square feet of living area. The dwelling is approximately 53 years old. Features of the home include a partial basement with finished area and a two-car garage. The property has an 8,115 square foot site and is located in Lansing, Bloom Township, Cook County. The subject is classified as a class 2-34 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. 14-31495.001-R-1. In that appeal, the PTAB rendered a decision lowering the subject's assessment to \$7,860 based on its sale on July 30, 2014 for a purchase price of \$78,597

or \$77.28 per square foot of living area, land included. The appellant included copies of the Secretary of Housing and Urban Development Settlement Statement, Sales Contract, and a PTAX-203 Illinois Real Estate Transfer Declaration. The appellant did not complete Sections III-VII of the Residential Appeal petition and did not submit a legal brief from counsel or cite a statute to support its contention of law. Based on this evidence, the Appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$10,452. The subject's assessment reflects a market value of \$104,520 or \$102.77 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 multi-level dwellings of frame and masonry construction ranging in size from 1,004 to 1,350 square feet of living area. The comparables range in age from 43 to 54 years old. The comparables have partial basements with finished areas and central air-conditioning. Three comparables have a fireplace and each comparable has a two-car garage. The comparables sold from March to October 2015 for prices ranging from \$107,000 to \$165,000 or from \$106.57 to \$128.40 per square foot of living area, land included.

The board of review's evidence included a supplemental brief arguing that the subject's sale was compulsory, and the appellant failed to provide evidence that the sale was an arm's-length transaction. The board of review requested confirmation of the subject's assessment.

The appellant's attorney submitted a rebuttal brief reiterating their request to have the subject's assessment carried forward from the Board's 2014 decision under Docket Number 14-31495.001-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 evidence showing the subject is owner-occupied. In addition, the appellant's address on the appeal form is not the same address as the address of the subject property. Furthermore, the appellant's evidence in this record revealed that the subject is owned by a limited liability company, which further detracts from the possibility that the subject is owner-occupied.

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 not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board gave no weight to the subject's sale because the appellant did not provide enough evidence to demonstrate that the sale had the elements of an arm's-length transaction.

The Board finds the board of review presented four comparable sales to refute the appellant's contention that the purchase price was reflective of market value. The board of review's comparables sold from March to October 2015 for prices ranging from \$107,000 to \$165,000 or from \$106.57 to \$128.40 per square foot of living area, land included. These comparables are similar to the subject in location, design, age, dwelling size and most features. The Board further finds the comparable is the board of review comparable #4, which is most similar to the subject in age and dwelling size. This comparable sold on March 1, 2015 for a price of \$107,000 or \$106.57 per square foot of living area, land included. The subject's assessment reflects a market value of \$104,520 or \$102.77 per square foot of living area, including land. The subject's estimate of market value as reflected by its assessment falls below the best comparable sales contained in this 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.

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

AGENCY

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Inverclyde, LLC, by attorney:
Abby L. Strauss
Schiller Strauss & Lavin PC
33 North Dearborn
Suite 650
Chicago, IL 60602

COUNTY

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