



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

APPELLANT: Dimitrios Mellos
DOCKET NO.: 16-20191.001-R-1
PARCEL NO.: 11-19-312-049-0000

The parties of record before the Property Tax Appeal Board are Dimitrios Mellos, the appellant, by attorney Spiro Zarkos, of Verros Berkshire 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: \$5,508
IMPR.: \$34,978
TOTAL: \$40,486

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 2016 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 2-story masonry dwelling. The home is 91 years old and contains 2,542 square feet of living area. Features include a full unfinished basement and a 2-car garage. The site contains 4,080 square feet of land area and is located in Evanston, Evanston Township, Cook County. The subject is classified as a class 2-11 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation and assessment inequity as the bases of the appeal. In support of the overvaluation argument the appellant partially completed Section IV - Recent Sale Data of the appeal form disclosing the subject was purchased at a foreclosure auction on July 22, 2016 for \$290,000 or \$114.08 per square foot of living area including land. The sale was not between family or related corporations. The appellant did not disclose if the subject was advertised or for how long. The appellant submitted a Judicial Sale Deed for the subject.

In support of the inequity argument the appellant submitted information on four assessment comparables. They consist of 2-story, Class 2-11 dwellings having the same neighborhood code as the subject and located within 0.6 miles of the subject. The comparables are either 118 or 119 years old and range in size from 2,291 to 2,995 square feet of living area. Their features have varying degrees of similarity when compared to the subject. The comparables have improvement assessments ranging from \$28,346 to \$40,788 or from \$12.19 to \$13.62 per square foot of living area.

Based on this evidence the appellant requested the subject's 2016 total assessment be reduced to \$29,000 which reflects a market value of \$290,000 or \$114.08 per square foot of living area including land using the Cook County Real Property Assessment Classification Ordinance level of assessment for Class 2 property of 10%. The appellant requested the improvement assessment be reduced to \$23,492 or \$9.24 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$40,486. The subject's assessment reflects a market value of \$404,860 or \$159.27 per square foot of living area including land using the level of assessment for Class 2 property of 10%. The subject property has an improvement assessment of \$34,978 or \$13.76 per square foot of living area.

In support of its contention of the correct assessment, the board of review submitted information on four equity comparables and four market value comparables. The equity comparables are described as 2-story dwellings having the same neighborhood code as the subject and located on the same block as the subject. They range in age from 96 to 108 years old and range in size from 2,216 to 2,600 square feet of living area. Their features have varying degrees of similarity when compared to the subject. The comparables have improvement assessments ranging from \$36,005 to \$46,041 or from \$15.02 to \$17.71 per square foot of living area.

The market value comparables are described as 2-story dwellings having the same neighborhood code as the subject and located within .25 of a mile from the subject, one on the same block as the subject. They range in age from 102 to 128 years old and range in size from 1,852 to 2,674 square feet of living area. Their features have varying degrees of similarity when compared to the subject. The comparables sold from May 2015 through October 2016 for prices ranging from \$367,568 to \$435,500 or from \$151.14 to \$199.78 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

The board of review submitted a brief in which they claim the sale of the subject was not an arm's-length transaction based on it being sold at a foreclosure auction. The board of review also submitted a LexisNexis printout explaining why the judicial sale of a foreclosed property is not an arm's-length transaction. The board of review cited the following, "It would be an error to use this measure in a situation in which the plaintiff controlled both the offer and the acceptance and thus could set any price it liked." Based on this evidence the board of review asked for confirmation of the subject's assessment.

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 based on overvaluation is not warranted.

The appellant completed Section IV - Recent Sale Data of the appeal form indicating the subject was purchased at a foreclosure auction on July 22, 2016 for \$290,000. The appellant did not submit any evidence to support the claim that the sale price was reflective of the true fair market value.

The board of review submitted four sales for the Board's consideration. The Board finds the comparable sales submitted by the board of review are a better indication of market value than the sale of the subject in a foreclosure auction. The Board gave less weight to sales comparable #1 due to its finished basement and significantly smaller dwelling size as compared to the subject. The Board gave more weight to the board of review sales comparables #2, #3 and #4. These comparables are similar to the subject in location, site size, style, age, dwelling size and most features. They sold from May 2015 through August 2016 for prices ranging from \$367,568 to \$435,500 or from \$151.14 to \$193.59 per square foot of living area including land. The subject property has a total assessment of \$40,486 which reflects a market value of \$404,860 or \$159.27 per square foot of living area including land, using the Class 2 level of assessment of 10%, which is within the range established by the most similar comparables in the record on an overall market value basis as well as a per square foot basis. Based on this market value evidence, the Board finds the appellant did not prove by a preponderance of the evidence that the subject is overvalued and a reduction in the subject's assessment based on overvaluation is not warranted.

The taxpayer also contends assessment inequity as one of the bases of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment based on inequity is not warranted.

Both parties submitted a total of eight equity comparables for the Board's consideration. The Board gave less weight to appellant's comparables #1 and #4 due to their larger dwelling sizes as compared to the subject. The Board also gave less weight to board of review equity comparable #4 due to its finished basement. The Board finds appellant's equity comparables #2 and #3 and board of review comparables #1, #2 and #3 are most similar to the subject in location, style, age, dwelling size and most features. These comparables have improvement assessments ranging

from \$28,346 to \$37,851 or from \$12.37 to \$16.25 per square foot of living area. The subject property has an improvement assessment of \$34,978 or \$13.76 per square foot of living area which is within the range established by the most similar comparables contained in the record on an overall basis as well as a per square foot basis. Based on this record the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's improvement assessment based on inequity is not warranted.

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: April 23, 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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