



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

APPELLANT: Anthony Scully
DOCKET NO.: 16-20535.001-R-1
PARCEL NO.: 01-13-206-004-0000

The parties of record before the Property Tax Appeal Board are Anthony Scully, the appellant, by attorney George J. Relias, of Relias Law Group, Ltd. 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: \$13,200
IMPR.: \$76,470
TOTAL: \$89,670

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 two-story dwelling of masonry construction containing approximately 4,962 square feet of living area.¹ The dwelling is 27 years old. Features of the home include a full unfinished basement², central air conditioning, two fireplaces and a 3-car garage. The site is approximately 1.1 acre in size and is located in Inverness, Barrington Township, Cook County.

¹ The appraiser reports the subject contains 4,962 square feet of living area and submitted a schematic diagram to support the dwelling size. The board of review indicated the subject dwelling contains 4,896 square feet of living area but did not submit any evidence to support the claim. Based on this record, the Board finds the subject dwelling contains 4,962 square feet of living area.

² The appraiser indicated the subject has an unfinished basement, submitted photographic evidence of the unfinished area and adjusted the comparables accordingly. The board of review's evidence indicated the subject's basement is finished but presented no evidence to support the claim.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal report prepared by Konstantin Minnikov of Prime Appraisal Services Inc. estimating the subject property had a market value of \$560,000 or approximately \$112.86 per square foot of living area, including land, as of January 29, 2015. The appraiser analyzed four comparables. The comparables are located from .26 of a mile to 1.05 miles from the subject. The comparables range in age from 24 to 31 years old and range in size from 3,920 to 5,000 square feet of living area. The comparables' features have varying degrees of similarity when compared to the subject. The sites range in size from 0.93 of an acre to 2.25 acres of land area. Three of the comparables sold in April or October 2014 for prices ranging from \$560,000 to \$627,500 or from \$125.50 to \$146.68 per square foot of living area including land. One comparable was an active listing as of the appraisal date. This comparable was listed for \$799,900 or \$168.05 per square foot of living area including land. After adjusting for differences with the subject, the four comparables' adjusted sale/listing prices range from \$557,500 to \$645,010 or from \$111.50 to \$156.15 per square foot of living area including land.

In the Appraisal Report, the appraiser acknowledges the subject is under contract at the time of the appraisal for \$493,500. On page 4 of 5 in the Addendum, the appraiser noted the "subject's market value estimate is higher than its current sales contract price; however, the subject's market value estimate is supported by all comparable sales utilized in the report." The appraiser also disclosed the subject had been listed in October 2011 for \$648,000 and was on the market 219 days until the listing expired in May 2012. The subject was then listed in April 2013 for \$590,000 and was on the market 109 days until the listing was cancelled in July 2013. The subject was listed a third time in July 2013 for \$655,000, reduced to \$645,000, and cancelled in March 2014 after 241 days on the market.

The appellant's attorney submitted a brief in which the attorney stated, "In 2015 the home was purchased for \$496,500." The appellant's attorney did not claim the sale was an arm's-length transaction or present any evidence to that effect. The appellant submitted a Settlement Statement indicating the sale price was \$493,500. The appellant's attorney did not complete Section IV – Recent Sale Data of the appeal form nor did the appellant mark Recent Sale in Section 2d of the appeal form.

Based on this evidence, the appellant requested the total assessment be reduced to \$49,650 or a market value of \$496,500 or \$100.06 per square foot of living area, including land, at the Cook County Real Property Assessment Classification Ordinance level of assessment for Class 2 property of 10%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject property of \$89,670. The subject's assessment reflects a market value of \$896,700 or \$180.71 per square foot of living area, land included, when using the level of assessment for Class 2 property of 10% and a dwelling size of 4,962 square feet of living area.

In support of the subject's assessment, the board of review submitted information on three comparable sales. These comparables are described as two-story dwellings having the same neighborhood code as the subject, two of which are located on the same block as the subject. The comparables range in size from 4,443 to 4,738 square feet of living area and range in age from 27 to 33 years. The comparables' features have varying degrees of similarity when

compared to the subject. The sites range in size from 47,694 to 73,704 square feet of land area. The comparables sold in August and September 2015 for prices ranging from \$710,000 to \$1,120,000 or from \$159.80 to \$245.08 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The appellant submitted evidence that the subject sold 11 months prior to the assessment date at issue for \$493,500 but did not present any evidence that the sale had the characteristics of an arm's-length transaction. Thus, the Board gave little weight to this evidence.³

The appellant also submitted an appraisal in which the appraiser estimated the subject's market value at \$560,000. The appraiser used sales from 2014 as comparables, which were not proximate in time to the assessment date at issue. Appraisal comparable #2 was located over a mile from the subject. For these reasons, the Board gives little weight to the market value conclusion in the appraisal.

The board of review submitted three comparables for the Board's consideration that were similar to the subject. Board of review comparables #1 and #2 were given more weight as they were located on the same street as the subject and were similar to the subject in style, age, exterior construction, site size, dwelling size and most features. The comparables sold in September 2015 for \$1,000,000 and \$1,120,000 or for \$211.06 and \$245.08 per square foot of living area including land. The subject's assessment reflects a market value of \$896,700 or \$180.71 per square foot of living area, land included, which is supported by the best evidence in the record. Based on this record, the Board finds a reduction in the subject's assessment based on overvaluation is not warranted.

³ Section 16-180 provided an appeal before the Property Tax Appeal Board is limited to the ground listed in the appeal petition. The appellant's attorney did not mark Recent Sale as the basis of the appeal or complete Section IV of the appeal form.

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

AGENCY

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