



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

APPELLANT: Michael Shackleton
DOCKET NO.: 16-21401.001-R-1
PARCEL NO.: 01-10-202-019-0000

The parties of record before the Property Tax Appeal Board are Michael Shackleton, the appellant(s); 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: \$15,452
IMPR.: \$40,548
TOTAL: \$56,000

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 16 years-old and contains a two-story dwelling of frame construction with 3,510 square feet of living area. The property has a 206,039 square foot site located in Barrington Township, Cook County. The property is a Class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal estimating the subject property had a market value of \$560,000 as of January 1, 2016. The appraisal disclosed the subject dwelling was owner-occupied during the lien year.

In further support of his overvaluation argument, the appellant also submitted a settlement statement disclosing the subject property was purchased on November 8, 2013 for \$550,000. The subject's sale price reflects a market value of \$156.70 per square foot of living area including land. The appellant provided information in Section IV—Recent Sale Data of the Residential Appeal that the subject was not transferred between related parties, and was advertised and sold by a realtor. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price when applying the 2016 level of assessment of 10.00% for Class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$73,892. The subject's assessment reflects a market value of \$738,920 when applying the 2016 level of assessment of 10.00% for Class 2 property under the Cook County Real Property Assessment Classification Ordinance. In support of its contention of the correct assessment, the board of review submitted information on two unadjusted suggested comparable sales that sold in 2015. These properties ranged in size from 2,965 to 3,703 square feet of living area, or from \$185.50 to \$193.94 per square foot. The board of review also cited the subject's November 2013 sale for \$550,000.

In rebuttal, the appellant argued that the comparable properties submitted as evidence by the board of review should be given diminished weight because they were dissimilar to the subject in various key property characteristics. The appellant reaffirmed the request for an assessment reduction.

At hearing, the appellant offered Charles Walsh (hereinafter, "Walsh") as an expert appraiser. *Voir dire* of Walsh was conducted. The Administrative Law Judge found Walsh qualified as an expert in the theory and practice of real estate appraisal. Walsh then testified about his methodology of appraising the subject. He noted the proximate location of the subject next to railroad tracks and included a satellite photograph of the location of the subject and tracks in his appraisal report. As a result, Walsh noted in his appraisal report that the subject was in an inferior location. Walsh testified that the subject was in the town of Barrington Hills and selected comparable properties in the same town. Barrington Hills presented the challenge of finding good comparable properties close to the subject because the typical lot sizes are zoned for five acres. However, Walsh found three comparables that in his opinion were very similar to the subject in various key property characteristics, such as neighborhood, location, gross living area and school districts. The only significant difference between these properties and the subject is the subject's location next to railroad tracks. Consequently, Walsh adjusted the three comparables downward to account for the subject's inferior location. The board of review asked whether the subject was in the town of Barrington Hills or Village of Barrington. Both Walsh and the appellant testified that the subject is in Barrington Hills. Walsh gave the opinion that the subject's market value as of the lien date was \$560,000.

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 Board finds the best evidence of market value to be the appraisal submitted by the appellant. The Board gave little weight to the subject's sale because it occurred in November 2013, a date not proximate in time to the assessment date at issue, whereas the appraisal's effective date was in the instant lien year. The Board finds the subject property had a market value of \$560,000 as of the assessment date at issue. Since market value has been established, the 2016 level of assessment of 10.00% for Class 2 property under the Cook County Real Property Assessment Classification Ordinance shall apply.

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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