



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

APPELLANT: Mitchell Fulscher
DOCKET NO.: 16-23289.001-R-1
PARCEL NO.: 01-01-125-015-0000

The parties of record before the Property Tax Appeal Board are Mitchell Fulscher, the appellant, by Christopher G. Walsh, Jr., Attorney at Law 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:

LAND: \$6,254
IMPR.: \$68,746
TOTAL: \$75,000

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 consists of a two-story dwelling of frame construction. The dwelling is 67 years old and has 4,372 square feet of living area. Features of the home include a full finished basement, central air conditioning, a fireplace and a two-car garage. The property has a 13,167 square-foot site and is located in Barrington, Barrington Township, Cook County. The subject is classified as a class 2-06 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted evidence disclosing the subject property had been on and off the market since September 2013 but had not sold. In Section IV – Recent Sale Data of the residential appeal form, the appellant stated the property was currently offered for sale at a listing price of \$750,000. In a letter submitted with the appeal, the appellant's attorney argued the subject's

current total assessed value of \$86,219 “is too high relative to the price at which the property has been recently offered for sale yet remains unsold.” Counsel stated the subject’s listing price “confirms that its value cannot be any higher” than its current listing price.” In an affidavit submitted with the appeal, the appellant stated that “I have been trying to sell this home. I first listed it in 2013 for \$865,000, lowered the asking price to \$775,000 over time, and then took it off the market for awhile. In 2014, I engaged a new broker and relisted the property. It is currently being offered for sale at \$750,000 but has not attracted a bidder at that price even though it has received widespread exposure through the Multiple Listing Service.” To document these claims, the appellant submitted copies of the subject’s listing history from September 11, 2013 to March 9, 2016 and an active listing dated September 12, 2016. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the subject’s current listing price of \$75,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$86,219. The subject's assessment reflects a market value of \$862,190 or \$197.21 per square foot of living area, land included, when using 10% level of assessment 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 three equity comparables that did not address the appellant’s overvaluation argument.

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 only evidence of market value in the record to be the subject property’s listing history. The appellant provided evidence demonstrating the subject property has been on and off the market at various times since it was listed for sale in September 2013 with an asking price of \$859,000. Despite price changes, the subject property did not sell. The Board finds the subject’s September 2016 asking price of \$750,000 is below the market value reflected by its assessment.

According to the board of review, the subject’s 2016 total assessment of \$86,219 reflects a market value of \$862,190 or \$197.21 per square foot of living area, land included. However, the board of review did not present any market evidence in support of this claim. The board of review submitted information on three equity comparables that did not address the appellant’s overvaluation argument. Consequently, the Board finds a reduction in the subject’s assessment commensurate with the appellant’s request is appropriate.

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

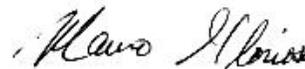
Member

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: July 16, 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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