



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

APPELLANT: Nathan Kully
DOCKET NO.: 16-24836.001-R-1
PARCEL NO.: 14-29-421-042-1001

The parties of record before the Property Tax Appeal Board are Nathan Kully, the appellant, by attorney Timothy E. Moran, of Schmidt Salzman & Moran, 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: \$6,219
IMPR.: \$42,517
TOTAL: \$48,736

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 single residential condominium unit. The building is approximately 11 years old. The property is located in Chicago, Lake View Township, Cook County. The subject is classified as a class 2-99 residential condominium property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends assessment inequity and overvaluation as the bases of the appeal. In support of the inequity argument the appellant submitted information on five equity comparables with the same neighborhood code as the subject property. The dwellings have different classification codes than the subject property. The comparables are improved with one, 1.5-story and four, 2-story multi-family dwellings of frame exterior construction that range in age from 112 to 127 years old. The comparables have full basements, two of which have finished areas. One of the comparables has central air conditioning and two comparables have 2-car garages.

The dwellings range in size from 1,856 to 1,940 square feet of living area and have improvement assessments ranging from \$36,106 to \$39,598 or from \$19.45 to \$20.71 per square foot of living area.

In support of this argument the appellant disclosed the subject sold June 1, 2013 for a price of \$515,000 and had been advertised for sale as set forth in Section IV-Recent Sale Data of the appeal petition. To document the sale, the appellant submitted a copy of the Condominium Real Estate Purchase and Sale Contract and the Target Property Detail Report from Cook County.

The appellant's attorney also submitted a brief claiming the 2014 three-year median assessment level of the subject should be 8.16% instead of the Cook County Real Property Assessment Classification Ordinance level of assessment for Class 2 property of 10%. In support of this claim, the appellant submitted a printout of Assessment Ratios for 2014 showing the median level of assessment for Class 2 property for Lake View Township for 2014 was 8.16% as determined by the Illinois Department of Revenue. Based on this evidence, the appellant requested the subject's total assessment be reduced to \$42,024.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment of the property of \$48,736. The total assessment reflects a market value of \$487,360 when applying the Cook County Real Property Assessment Classification Ordinance level of assessment for class 2-99 property of 10%.

In support of the assessment the board of review used three sales of condominium units that sold from June 2013 to September 2016 for prices ranging from \$515,000 to \$695,000. Each unit had from 20.15% to 25.64% of ownership interest in the condominium complex. In estimating the value of the condominium complex the board of review added the three sales prices to arrive at a total consideration of \$1,900,000, which was divided by the percent of ownership of the units that sold resulting in a full value of units appealed of \$2,687,412. The subject had a 20.15% ownership interest in the condominium complex for a total full value of the subject property of \$541,513. Applying the Cook County Real Property Assessment Classification Ordinance level of assessment for class 2-99 property of 10% resulted in a final total assessment for the condominium of \$54,151 which is greater than the subject's assessment.

In a memo, the board of review argued the Board should give little weight to the appellant's medium level of assessment argument. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The taxpayer contends in part assessment inequity as the basis 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 is not warranted on this basis.

The appellant submitted information on a total of five suggested equity comparables for the Board's consideration. The Board finds the appellant submitted dissimilar comparables for comparison. The use of dissimilar comparables does not demonstrate inequity by clear and convincing evidence.

The appellant also 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted on this basis.

The record contains the sale of the subject submitted by the appellant and three comparable sales provided by the board of review. The Board gave less weight to the subject's 2013 sale date which is dated and less indicative of fair market value as of the subject's 2016 assessment date at issue. Moreover, the Board finds the subject's estimated market value of \$487,360 is less than the assessment warranted by the subject's June 2013 sale for a price of \$515,000.

Furthermore, the appellant contends the subject's assessment level should be 8.16% based on the median level of assessment for Lake View Township for tax year 2014. The Board finds the township median level of assessment for 2014 is not applicable in determining the assessed value in tax year 2016. Therefore, for purposes of this analysis, the Cook County Real Property Assessment Classification Ordinance level of assessment for Class 2 property of 10% shall apply.

Based on this evidence the Board finds the subject is not overvalued and a reduction in the assessment is not justified on this basis.

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: October 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

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