



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

APPELLANT: Kevin Whitton
DOCKET NO.: 16-24854.001-R-1
PARCEL NO.: 02-26-106-033-0000

The parties of record before the Property Tax Appeal Board are Kevin Whitton, the appellant, by attorney Noah J. Schmidt, 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: \$6,392
IMPR.: \$48,608
TOTAL: \$55,000

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 2-story dwelling of frame and masonry exterior construction with 3,783 square feet of living area. The dwelling is approximately 20 years old. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a 3-car garage. The property has a 19,668 square foot site and is located in Rolling Meadows, Palatine Township, Cook County. The subject is classified as a class 2-78 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends assessment inequity¹ as the basis of the appeal. In support of the overvaluation argument the appellant submitted an appraisal estimating the subject property had

¹ The appellant's appeal was marked as if assessment equity was the basis of the appeal, however, the appellant's submission included an appraisal and evidence to support the sale of the subject property.

a market value of \$550,000 as of July 8, 2016. The appraisal was prepared by Daniel J. Gura, a certified residential real estate appraiser.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value using four comparable sales and two active listings. The comparables consist of 2-story dwellings located from .67 to 1.56 miles from the subject property. The homes range in age from 14 to 43 years old and have basements, four of which have finished areas. The dwellings also have central air conditioning and 2-car or 3-car garages. Five of the comparables have one or four fireplaces. The dwellings range in size from 3,165 to 4,260 square feet of living area and are situated on sites ranging in size from 9,760 to 20,956 square feet of land area. Four of the comparables sold from July 2015 to February 2016 for prices ranging from \$510,000 to \$600,000 or from \$123.24 to \$173.78 per square foot of living area, including land. Comparables #5 and #6 were active listings with prices of \$549,900 and \$565,000 or \$136.24 and \$148.14 per square foot of living area, including land. The appraiser made adjustments to each comparable for differences from the subject property to arrive at adjusted prices ranging from \$507,500 to \$601,500.

The appellant's evidence also disclosed the subject sold March 1, 2014 for a price of \$490,000 as set forth in Section IV-Recent Sale Data of the appeal petition. To document the sale, the appellant submitted a copy of the Settlement Statement revealing the amount of Broker's Fees paid at settlement.

Furthermore, the appellant's attorney requested an additional deduction claiming the 2014 three-year median assessment level of the subject should be 9.11% instead of the Cook County Real Property Assessment Classification Ordinance level of assessment for Class 2 property of 10%. Based on this evidence, the appellant requested the total assessment be reduced to \$44,639.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$57,813. The subject's assessment reflects a market value of \$578,130² when using the level of assessments for class 2 property of 10% under the Cook County Real Property Assessment Classification Ordinance.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The record contains the sale of the subject and an appraisal submitted by the appellant. The Board gave less weight to the subject's 2014 sale date which is dated and less indicative of fair market value as of the subject's 2016 assessment date at issue. The Board finds the best

² The board of review submitted evidence for Docket #16-24842 which will not be further address on this record as the Board finds this data is not responsive to the appellant's argument for Docket #16-24854.

evidence of market value to be the appraisal submitted by the appellant, estimating the subject property had a market value of \$550,000 as of July 8, 2016. In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value. The Board finds the appellant's appraisal report included six comparables that were adjusted by the appellant's appraiser and which the Board has reviewed and appears to be logical and reasonable. The subject's current assessment of \$55,000 is supported by the appraisal submitted by the appellant.

The appellant also contends the subject's assessment level should be 9.11% based on the median level of assessment for Palatine 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.

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

AGENCY

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Kevin Whitton, by attorney:
Noah J. Schmidt
Schmidt Salzman & Moran, Ltd.
111 West Washington Street
Suite 1300
Chicago, IL 60602

COUNTY

Cook County Board of Review
County Building, Room 601
118 North Clark Street
Chicago, IL 60602