



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

APPELLANT: Cladco & Lincoln Berger
DOCKET NO.: 16-42853.001-R-1
PARCEL NO.: 31-35-212-041-0000

The parties of record before the Property Tax Appeal Board are Cladco & Lincoln Berger, the appellant(s), by attorney Jessica Hill-Magiera, Attorney at Law in Lake Zurich; 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: \$2,128
IMPR.: \$5,074
TOTAL: \$7,202

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Property Tax Appeal Board pursuant to section 16-185 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 consists of a one-story dwelling of frame and masonry construction with 1,616 square feet of living area. The dwelling is 62 years old. The property has a 7,740 square foot site, and is located in Rich Township, Cook County. The subject is classified as a class 2-03 property under the Cook County Real Property Assessment Classification Ordinance

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information on eight sale comparables. These comparables sold between April 2015 and June 2016 for prices ranging from \$9.22 to \$35.80 per square foot of living area, including land. Based on this evidence, the appellants requested a reduction in the subject's assessment to \$2,477.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$7,202. The subject's assessment reflects a market value of \$72,020, or \$44.57 per square foot of living area, including land, when applying the statutory level of assessment for class 2 property of 10.00% 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 four sale comparables. These comparables sold between March 2015 and November 2015 for sale prices ranging from \$46.88 to \$64.34 per square foot of living area, including land.

In written rebuttal, the appellants distinguished the board of review's comparables from the subject property and requested that the Board use the median sale price per square foot of the best comparables in the record in determining whether or not the subject is overvalued.

Conclusion of Law

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

The Board rejects the appellants' argument that the Board should use the median sale price per square foot of the best comparables in the record in ascertaining whether the subject is overvalued. First, this argument was only raised during rebuttal, and, therefore, the board of review was not granted an opportunity to challenge this argument. As such, this argument was not made timely. 86 Ill.Admin.Code §1910.66(c) ("Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence."). Second, assuming *arguendo* that this argument was made timely, the appellant offers no evidence or testimony to support this premise. Instead, the appellants have simply made conclusory statements that are not supported by the record and are not law. For example, the appellants state, "Appellant submits that using a median price/SF analysis is not only more accurate, but more importantly is consistent with and not contrary to the preponderance of the evidence standard..." Arguments regarding the proper method of valuation are legal arguments. Kankakee Cnty. Bd. of Review v. Prop. Tax Appeal. Bd., 131 Ill.2d 1, 14-15 (1989); Kankakee Cnty. Bd. of Review v. Prop. Tax Appeal. Bd., 226 Ill.2d 36, 51 (2007); Bd. of Review of County of Alexander v. Prop. Tax Appeal Bd., 304 Ill.App.3d 535, 538 (5th Dist. 1999). The appellants have not cited any legal authority in support of this legal argument. Indeed, the appellants have not cited any authority, legal or otherwise, in support of this argument. In short, the appellants seek to have the Board use a method of valuation that has no support in the record, no basis in law, and was not raised timely. Accordingly, the Board gives this argument no weight.

The Board finds the best evidence of market value to be the appellants' comparables #1 through #8, as well as the board of review's comparables #1 through #4, as they are most similar to the subject property in square footage of living area, proximity to the subject, design and amenities. These comparables sold for prices ranging from \$9.22 to \$64.34 per square foot of living area, including land. The subject's assessment reflects a market value of \$44.57 per square foot of living area, including land, which is within the range established by the best comparables in this record. Based on this record, the Board finds the appellants have not proven, by a preponderance of the evidence, that the subject is overvalued. Accordingly, a reduction in the subject's 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: May 26, 2020



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

Cladco & Lincoln Berger , by attorney:
Jessica Hill-Magiera
Attorney at Law
790 Harvest Drive
Lake Zurich, IL 60047

COUNTY

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