



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

APPELLANT: AN Funding Inc.
DOCKET NO.: 17-30191.001-R-1
PARCEL NO.: 16-30-304-046-0000

The parties of record before the Property Tax Appeal Board are AN Funding Inc., the appellant, by attorney Edwin M. Wittenstein, of Worsek & Vihon 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: \$6,205
IMPR.: \$8,295
TOTAL: \$14,500

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 2017 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 1.5-story dwelling of masonry construction with 1,669 square feet of living area. The dwelling is 69 years old. Features of the home include a full finished basement, central air conditioning, two fireplaces and a 2-car garage. The property has a 6,365 square foot site and is located in Berwyn, Berwyn Township, Cook County. The subject is classified as a class 2-03 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on both overvaluation and assessment inequity with respect to the subject's improvement. In support of the overvaluation argument the appellant submitted evidence disclosing the subject property was purchased on April 13, 2016 for a price of \$145,000.

In support of the assessment inequity argument, the appellant submitted a grid analysis containing five comparable properties that are located within the same neighborhood code as the subject. The comparables are improved with class 2-03 dwellings of frame, masonry or frame and masonry construction that range in size from 1,167 to 1,619 square feet of living area and range in age from 89 to 101 years old. The comparables have other features with varying degrees of similarity to the subject. The comparables have improvement assessments ranging from \$8,881 to \$12,304 or from \$7.07 to \$7.61 per square foot of living area. Based on this evidence, the appellant requested that the subject's total assessment be reduced to \$12,789.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$20,091. The subject's assessment reflects a market value of \$200,910 or \$120.38 per square foot of living area, land included, when using the level of assessments for class 2 property of 10%. The subject has an improvement assessment of \$13,886 or \$8.32 per square foot of living area.

In support of its contention of the correct assessment the board of review submitted information on four comparable properties that are located within the same neighborhood code as the subject. The comparables are improved with 1.5-story, class 2-03, dwellings of masonry construction that range in size from 1,378 to 1,632 square feet of living area and range in age from 78 to 89 years old. The comparables have other features with varying degrees of similarity to the subject. The comparables have improvement assessments ranging from \$13,220 to \$14,577 or from \$8.34 to \$9.84 per square foot of living area. The board of review's assessment grid reported that the subject property sold in April 2016 for \$126,800. Based on this evidence the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellant contends in part 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 purchase of the subject property, as documented by the appellant, in April 2016 for a price of \$145,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant submitted Multiple Listing Service (MLS) documentation disclosing the property was sold using a Realtor, the property had been advertised on the Multiple Listing Service and it had been on the market for 34 days. In further support of the transaction the appellant submitted a copy of the settlement statement and a printout from the Recorder of Deeds. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. In addition, the board of review submitted no evidence to support their recorded sale price of \$126,800 for the subject property. Based on this record the Board finds a reduction in the subject's assessment is appropriate.

The taxpayer also contends improvement assessment inequity as an alternative 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.

The parties submitted nine equity comparable properties for the Board's consideration. The Board finds the all of parties' equity comparables are similar to the subject in location, building classification and some features. They have improvement assessments ranging from \$8,881 to \$14,577 or from \$7.07 to \$9.84 per square foot of living area. The subject's improvement assessment, after receiving a reduction based on overvaluation, of \$8,295 or \$4.97 per square foot of living area falls below the range established by the equity comparables in the record. Based on this record, the Board finds a further reduction in the subject's assessment based on assessment uniformity 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: June 8, 2021



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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