



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

APPELLANT: Emmett T. Morrissey
DOCKET NO.: 17-39573.001-R-1
PARCEL NO.: 14-33-317-048-0000

The parties of record before the Property Tax Appeal Board are Emmett T. Morrissey, the appellant, by attorney Ellen G. Berkshire of Verros Berkshire, PC 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: \$5,805
IMPR.: \$22,445
TOTAL: \$28,250

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 two-story dwelling of masonry exterior construction with 1,108 square feet of living area. The dwelling is approximately 41 years old. Features of the home include a concrete slab foundation, central air conditioning and a fireplace. The property has a 645 square foot site and is located in Chicago, North Chicago Township, Cook County. The subject is classified as a class 2-95 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends both overvaluation and assessment inequity with respect to the improvement as the bases of the appeal. In support of the overvaluation argument the appellant submitted evidence disclosing the subject property was purchased on May 13, 2015 for a price of \$282,500. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the seller was Deutsche Bank National Trust Co., the parties to the transaction were not related, the

property was sold by a realtor and had been advertised in the Multiple Listing Service for a period of 325 days. Also submitted was a copy of the Settlement Statement reiterating the sale date, sale price and also depicted commissions being paid to two entities as part of the transaction.

In support of the inequity argument, the appellant provided information on four comparable properties that are located within the same neighborhood code as the subject property. The comparables are improved with two-story class 2-95 dwellings of frame and masonry exterior construction ranging in size from 1,188 to 1,407 square feet of living area. The dwellings are either 40 or 51 years old. Each comparable has a concrete slab foundation, three comparables have central air conditioning, one comparable has a fireplace and a one-car garage. The comparables have improvement assessments that range from \$20,535 to \$25,796 or from \$17.29 to \$18.33 per square foot of living area.

Based on this evidence, the appellant requested that the subject's total assessment be reduced to \$25,827.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$32,563. The subject's assessment reflects a market value of \$325,630 or \$293.89 per square foot of living area, including land, when applying the level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10%. The subject has an improvement assessment of \$26,758 or \$24.15 per square foot of living area.

In support of its contention of the correct assessment the board of review submitted a grid analysis with assessment data on four comparable properties that are located within the same neighborhood code as the subject property. The submission included sales data on two of the comparables. The comparables are each improved with a two-story class 2-95 dwelling of masonry exterior construction with 861 square feet of living area and is 44 years old. Each comparable has a full basement with one finished as a formal recreation room. The comparables each have central air conditioning and a fireplace. The comparables have improvement assessments that range from \$24,951 to \$32,302 or from \$28.98 to \$37.52 per square foot of living area. Comparables #2 and #3 sold in September 2016 and February 2014 for prices of \$439,000 and \$385,000 or for \$509.87 and \$447.15 per square foot of living area, including land, respectively. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellant contends in part that 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 in May 2015 for a price of \$282,500. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related and the property had been advertised on the open market in the Multiple Listing Service. In further support of the transaction, the appellant submitted a copy of the Settlement Statement. The Board finds the fact the property was sold by Deutsche Bank National Trust Co. calls into question whether the purchase price is reflective of fair cash value. The Board, however, 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. The Board finds the two comparable sales submitted by the board of review each have considerably smaller dwellings with full basements when compared to the subject's dwelling size and concrete slab foundation. Furthermore, the Board finds board of review comparable sale #3 occurred 34 months prior to the assessment date at issue, which is dated and less likely to reflect the subject's market value as of January 1, 2017. The Board finds the subject's purchase price is below the market value reflected by the assessment. Based on this record the Board finds the subject property had a market value of \$282,500 as of January 1, 2017. Since market value has been determined the level of assessments for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10% shall apply. 86 Ill.Admin.Code §1910.50(c)(2).

The appellant also argued 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 record contains eight assessment comparables for the Board's consideration. After reviewing the record and considering the assessment reduction granted to the subject property based on market value consideration, the Board finds the subject property is equitably assessed. Therefore, no further reduction in the subject's assessment is warranted based on the principles of uniformity.

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:

August 24, 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

AGENCY

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