



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

APPELLANT: Mark Ruddy
DOCKET NO.: 17-44730.001-R-1
PARCEL NO.: 02-12-408-003-0000

The parties of record before the Property Tax Appeal Board are Mark Ruddy, the appellant, by 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 **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: \$5,175
IMPR.: \$29,545
TOTAL: \$34,720

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a favorable 2016 decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) to challenge 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 frame and masonry exterior construction with 2,170 square feet of living area. The dwelling was constructed in 1976 and is approximately 41 years old. Features of the home include a partial basement finished as a recreation room, central air conditioning and a fireplace. The property has a 9,000 square foot site and is located in Palatine, 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 overvaluation as the basis of the appeal. In support of this argument, the appellant submitted evidence disclosing the subject property was purchased on March 13, 2015 for a price of \$325,000. The appellant reported that the subject property was purchased from the owner of record, the parties to the transaction were not related, the property was sold by a realtor and was advertised with the Multiple Listing Service (MLS). The appellant submitted a copy of the listing sheet which disclosed the property had been on the market for 70 days and described

the home as completely remodeled. A copy of the Settlement Statement reflects the purchase price, date of sale and disclosed the seller was Jim Ryan and that commissions were paid to two realty agencies.

In further support of the overvaluation claim, the appellant provided information on three comparable sales located in a different neighborhood code than the subject property and from .48 to .68 of a mile from the subject. The comparables have sites that range in size from 9,256 to 9,525 square feet of land area. The comparables are improved with two-story dwellings ranging in size from 2,183 to 2,320 square feet of living area. The dwellings were constructed from 1966 to 1969. Each comparable features a full or partial basement, two of which are finished as recreation rooms. The comparables each have central air conditioning and a two-car garage. Two comparables have one fireplace each. The properties sold from March 2016 to December 2017 for prices ranging from \$215,000 to \$346,000 or from \$98.49 to \$149.20 per square foot of living area, land included.

Based on this evidence, the appellant requested that the subject's total assessment be reduced to \$30,399. The requested assessment would reflect a total market value of \$303,990 or \$140.09 per square foot of living area, land included, when applying the level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$35,884. The subject's assessment reflects a market value of \$358,840 or \$165.15 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%.

In support of its contention of the correct assessment, the board of review submitted information on four comparable sales located within the same neighborhood code as the subject. The comparables have sites that range in size from 9,000 to 13,152 square feet of land area. The comparables are improved with two-story dwellings of frame and masonry exterior construction ranging in size from 2,478 to 2,781 square feet of living area. The dwellings range in age from 42 to 45 years old. Each comparable has a full or partial basement, two of which are finished as a recreation rooms. The comparables each have central air conditioning, one or two fireplaces and a two-car garage. The comparables sold from June 2015 to December 2017 for prices ranging from \$396,500 to \$550,000 or from \$160.01 to \$197.77 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

The appellant's counsel submitted rebuttal comments critiquing the comparable sales provided by the board of review. Counsel argued that the board of review comparables are 14% to 28% larger than the subject. Furthermore, the 2015 sale dates of board of review comparables #3 and #4 are too remote in time to establish market value as of the January 1, 2017 assessment date. In a rebuttal grid analysis, counsel reiterated that the appellant's three comparables are the best comparable sales in the record and contended the subject's assessment should be reduced.

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 evidence in the record supports a reduction in the subject's assessment.

The record contains evidence that the appellant purchased the subject property on March 13, 2015 for a price of \$325,000. In addition, the parties submitted information on seven comparable sales to support their respective positions before the Property Tax Appeal Board.

The Board finds that the sale of the subject property met all of the elements of an arms-length transaction. However, the Board gives little weight to the subject's sale, along with board of review comparable sales #3 and #4 as the sales occurred in 2015, which are dated and less likely to be indicative of the subject's market value as of the January 1, 2017 assessment date. The Board gives less weight to board of review comparable #1 due to its larger dwelling size.

The Board finds the best evidence of market value in the record to be the remaining comparable sales in the record. These comparables have varying degrees of similarity when compared to the subject. The Board finds the appellant's comparables are most similar to the subject in dwelling size but have slightly older dwellings and are located outside of the subject's neighborhood code. Whereas, board of review comparable #2 is most similar in location and age but has a slightly larger dwelling size than the subject. The Board also finds each of the comparables has garage, unlike the subject. The comparables sold from March 2016 to August 2017 for prices ranging from \$215,000 to \$412,000 or from \$98.49 to \$164.21 per square foot of living area, including land. The subject's assessment reflects a market value of \$358,840 or \$165.15 per square foot of living area, including land, which is within the overall price range established by the best comparable sales in this record but above the range on a price-per-square foot basis. After considering adjustments to the comparables for differences when compared to the subject, the Board finds a reduction in the subject's assessment is warranted.

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

AGENCY

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