



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

APPELLANT: Wallace Moy
DOCKET NO.: 17-45375.001-R-1
PARCEL NO.: 17-28-315-006-0000

The parties of record before the Property Tax Appeal Board are Wallace Moy, the appellant, by attorney Ciarra 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 **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: \$24,717
IMPR.: \$15,283
TOTAL: \$40,000

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a final decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) 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 appellant indicated the subject property consists of a two-story apartment building of frame exterior construction with 4,210 square feet of building area. The building is approximately 127 years old and has a full unfinished basement. The appellant also disclosed the property has a 1,396 square foot coach house.¹ The subject property has a 7,062 square foot site and is located in Chicago, South Chicago, Cook County. The subject's apartment building is classified as a class 2-11 property and the coach house is classified as a class 2-05 property under the Cook County Real Property Assessment Classification Ordinance.

The counsel indicated uniformity of assessment and recent sale of the subject property as the bases of the appeal. As part of the evidence, the appellant submitted a copy of the final decision issued by the Property Tax Appeal Board under Docket #16-35747 that designated a total

¹ Neither party provided a detailed property description of the coach house.

assessment for the subject property of \$54,565 for the 2016 tax year based on an agreement between Wallace Moy and the board of review. The appellant did not disclose in the appeal petition the name of the appellant or whether the subject is an owner-occupied residence. The appellant also disclosed the subject property was purchased from the Estate of Cornelius Joseph McCarthy Jr. in April 2016 for a price of \$400,000 and the sale was not between family or related corporations.

In support of the assessment inequity argument, the appellant submitted information on ten equity comparables located within the same neighborhood code as the subject. Five comparables are improved with class 2-11 two-story and three-story multi-family buildings of frame or masonry exterior construction ranging in size from 3,904 to 4,224 square feet of building area and range from 107 to 137 years old. Five comparables are improved with class 2-05, two-story dwellings of frame and/or masonry exterior construction ranging in size from 1,320 to 1,495 square feet of living area and are each 127 years old. The comparables have varying degrees of similarities to the subject in other features. The class 2-11 comparables have improvement assessments ranging from \$19,099 to \$23,232 or from \$4.81 to \$5.63 per square foot of living area. The class 2-05 comparables have improvement assessments ranging from \$11,394 to \$12,247 or from \$8.19 to \$9.06 per square foot of living area.

The appellant's attorney requested the subject's improvement assessment for class 2-11 building be reduced to \$29,848 and not to exceed the subject's 2016 total assessment of \$54,565.²

The appellant disclosed in the first page of the residential appeal petition that the subject has an improvement assessment of \$34,805 and a total assessment of \$59,522.

The board of review submitted its "Board of Review Notes on Appeal" for the subject property but had a different docket number with 2018 tax year information on four equity comparables.

Conclusion of Law

The appellant contends, in part, assessment inequity as the 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 based on assessment inequity is not warranted.

The appellant submitted four class 2-11 and four class 2-05 equity comparables and the board of review submitted four equity comparables for the Board's consideration. The Board gives no weight to the board of review's four comparables that were submitted for a different tax year

² The appellant's evidence included the 2016 tax year individual assessments for each improvement but not for the 2017 tax year that is under appeal by the appellant. In addition, the appellant did not include the allocation of the coach house's assessment within the subject's 2017 total assessment or in the appellant's requested reduction.

than the 2017 tax year under appeal by the appellant. The Board also finds the appellant's equity analysis prepared by counsel is misleading. Although counsel provided the 2016 tax year assessments for each of the two improvements, the appellant did not disclose the assessments attributable to each improvement for the 2017 tax year that is under appeal. It is necessary to have the assessment information about the improvements in order for the Property Tax Appeal Board to conduct a meaningful comparative analysis of the comparables to the subject property. Based on the limited assessment equity information, the Board finds a reduction in the subject's assessment is not justified.

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 only evidence of market value in the record to be the purchase of the subject property in April 2016 for a sales price of \$400,000 which sold proximate to the January 1, 2017 assessment date at issue for the subject property. Furthermore, the board of review did not present any substantive 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.

Based on this record, the Board finds a reduction in the subject's assessment to reflect its sales price is 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:

August 23, 2022



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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