



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

APPELLANT: Gabrielle Schmidt
DOCKET NO.: 17-45389.001-R-1
PARCEL NO.: 14-29-425-048-1003

The parties of record before the Property Tax Appeal Board are Gabrielle Schmidt, the appellant, by attorney Timothy E. Moran, 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: \$7,354
IMPR.: \$34,221
TOTAL: \$41,575

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a final administrative decision of the Property Tax Appeal Board pursuant to sections 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 subject property consists of a residential condominium unit with 30.37% ownership interest. The condominium is approximately 4 years old and has 2,024 square feet of living area. The property has a 3,784 square foot site and is located at 1122 W. Fullerton Avenue, Chicago, Lake View Township, Cook County. The subject is classified as a class 2-99 property under the Cook County Real Property Assessment Classification Ordinance

The appellant, through counsel, marked contention of law, recent sale, and assessment inequity as the bases of the appeal. With respect to the contention of law argument, the appellant requested the assessment of the subject property as established by the decision of the Property Tax Appeal Board for the 2016 tax year be carried forward to the 2017 tax year pursuant to section 16-185 of the Property Tax Code. (35 ILCS 200/16-185). The property was purchased by the appellant, Gabrielle Schmidt, on August 2, 2016 for \$400,000 preceding the November

19, 2019 issuance of the 2016 PTAB decision under Docket Number 16-24833.001-R-1 that lowered the subject's total assessment to \$41,575 based on an agreement of the parties. The appellant did not fully complete the sales information required under Section IV-Recent Sale Data of the Residential Appeal petition. However, as part of the evidence the appellant provided copies of the MyDec-Illinois and Cook County Real Estate Transfer Declarations, Warranty Deed, and Multi-Board Residential Real Estate Sale Contract. This evidence revealed that the property is an owner-occupied residence and the subject property was not advertised for sale through the open market.

In support of the assessment inequity argument the appellant submitted information on four equity comparables that are located within the same neighborhood code. The comparables are improved with 125 to 140 year old condominium units ranging in size from 1,970 to 2,068 square of living area. and in age from 56 to 96 years old. The comparables have other features with varying degrees of similarity to the subject property. These properties have improvement assessments ranging from \$26,653 to \$36,642 or from \$13.30 to \$18.60 per square foot of living area.

In the supplemental brief, the appellant's attorney contends that since the time of the 2016 assessment reduction there have been no capital improvements made to the property which would materially increase the market value. As 2017 is the last year of the 2015-2017 triennial assessment cycle, the appellant's attorney requested the subject's assessment be revised so as not to exceed the PTAB's 2016 assessment of \$41,575.

The board of review did not submit its "Board of Review Notes on Appeal." In support of its contention of the correct assessment, the board of review submitted a condominium sales analysis prepared by Dan Michaelides which included three sale properties. The sale properties included PIN #14-29-425-048-1001 that sold in May 2014 for \$890,000, PIN #14-29-425-048-1002 that sold in April 2014 for \$600,000, and the subject's PIN #14-29-425-048-1003 that sold in August 2016 for \$400,000. The three sales have a total consideration of \$1,890,000. A 10% adjustment factor was applied by the analyst resulting in a full value of the units appealed of \$1,701,000, or a full assessed value of \$170,100 after applying the Cook County Real Property Assessment Ordinance of 10%. Then, the analyst determined the assessment for each unit from the unit's percentage of ownership, applying an adjustment, resulting in total revised assessment for the 2017 tax year of \$70,744 for PIN ending in -1001, \$47,696 for PIN ending in -1002, and \$51,659 for the subject property.

Conclusion of Law

The appellant, in part, raised a contention of law asserting that the assessment of the subject property as established by the Property Tax Appeal Board for the 2016 tax year should be carried forward to the 2017 tax year pursuant to section 16-185 of the Property Tax Code. (35 ILCS 200/16-185). When a contention of law is raised the burden of proof is a preponderance of the evidence. (See 5 ILCS 100/10-15). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted on this basis.

Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) states in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

The record disclosed the Property Tax Appeal Board issued a decision reducing the subject's assessment for the 2016 tax year under Docket #16-24833.001-R-1. The record further indicates the subject property is an owner-occupied dwelling and that 2016 and 2017 are within the same general assessment period. The record contains no evidence indicating the subject property sold in an arm's length transaction after the Board's decision or that the decision of the Property Tax Appeal Board has been reversed or modified upon review. For these reasons, the Property Tax Appeal Board finds that a reduction in the subject's assessment is warranted to reflect the assessment as established in the Board's decision for the previous tax year.

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

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