



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

APPELLANT: Susan Fox Swan
DOCKET NO.: 17-46052.001-R-1
PARCEL NO.: 03-29-213-022-0000

The parties of record before the Property Tax Appeal Board are Susan Fox Swan, the appellant, by attorney Noah J. 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: \$8,732
IMPR.: \$56,916
TOTAL: \$65,648

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a 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 subject property consists of a two-story dwelling of frame and masonry exterior construction with 3,720 square feet of living area. The home is approximately 35 years old. Features of the home include a full unfinished basement, central air conditioning, one fireplace, and a two-car garage. The property has a 12,475 square foot site and is located in Arlington Heights, Wheeling Township, Cook County. The subject is classified as a class 2-78 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant, through counsel, marked contention of law and assessment inequity as the bases of the appeal. In support of the contention of law argument, the appellant disclosed that the subject property is an owner-occupied residence that was the subject matter of an appeal before the Property Tax Appeal Board the prior year under Docket Number 16-31523.001-R-1. In that appeal, the Property Tax Appeal Board issued a decision lowering the assessment of the subject

property to \$65,648 based on equity and the weight of the evidence submitted by the parties. The appellant's submission revealed the 2017 tax year assessments by the board of review for the property to be \$8,732 for the land and \$58,211 for the improvement with a total assessment of \$66,943.

In support of the assessment inequity argument, the appellant submitted information on five equity comparables improved with two-story, class 2-78 dwellings of frame or frame and masonry exterior construction with three comparables having the same neighborhood code as the subject property. The comparables have varying degrees of similarity when compared to the subject in age, dwelling size, and other features. The comparables have improvement assessments ranging from \$38,072 to \$53,031 or from \$12.27 to \$15.30 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 second year of the 2016-2018 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 \$65,648 with an improvement assessment of \$56,916 or \$15.30 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" for a different docket number and parcel other than the subject and did not provide any evidence to support the subject's assessment or to refute the appellant's argument.

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 Board finds section 16-185 of the Property Tax Code (35 ILCS 200/16-185) is controlling in this matter. Therefore, in light of this finding, the PTAB finds it does not need to further address the appellant's assessment equity evidence. The record disclosed the Property Tax Appeal Board

issued a decision reducing the subject's assessment for the 2016 tax year under Docket Number 16-31523.001-R-1. The record further indicates the subject property is an owner-occupied dwelling, that 2016 and 2017 are within the same general assessment period, and that no township equalization factor was applied in 2017. 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 Board's prior year's decision, plus the application of an equalization factor, if any.

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: November 16, 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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