



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

APPELLANT: Lenny Toma
DOCKET NO.: 17-46620.001-C-1 through 17-46620.002-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Lenny Toma, the appellant(s), by attorney Caren Gertner, of the Law Office of Gertner & Gertner, 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 **No Change** 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
17-46620.001-C-1	07-32-107-017-0000	68,062	84,887	\$ 152,949
17-46620.002-C-1	07-32-107-018-0000	71,540	84,887	\$ 156,427

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) after receiving a favorable decision from the Property Tax Appeal Board (the “Board”) in the prior year. The instant appeal challenges the assessment for tax year 2017. The Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

Findings of Fact

The subject consists of a one-story building of masonry construction with 15,900 square feet of building area. The building is 30 years old. The property’s site is 74,455 square feet, and it is located in Schaumburg Township, Cook County. The subject is classified as a class 5-22 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 an appraisal estimating the subject property had a market value of \$1,155,000 as of January 1, 2016. The appraisal states that the appraiser inspected the subject on September 26, 2016, and prepared the appraisal report on September 28, 2016. In the “Property History” section of the appraisal, the appraiser states that “[a]ccording to our research of available public information, there has been no recorded transfers of ownership of the subject

property within five years of the effective date of value. The subject is currently leased.” Based on this evidence, the appellant requested a reduction in the subject’s assessment to \$288,750.

The board of review submitted its “Board of Review Notes on Appeal” disclosing that the total assessment for the subject is \$309,376. The subject’s assessment reflects a market value of \$1,237,504, or \$77.83 per square foot of building area, including land, when applying the 2017 statutory level of assessment for class 5 property of 25.00% under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment the board of review submitted evidence that the subject was purchased in September 21, 2015 via a trustees’ deed. The purchase price was not disclosed. However, the board of review submitted a printout from the Cook County Recorder of Deeds’ website showing that Chicago Titles Land Trust Co. conveyed the subject to Schaumburg Car Care Center, Inc. via a trustees’ deed, and that the grantee then took out a mortgage on the subject for \$1,280,000. Both the mortgage and the trustees’ deed were filed on October 19, 2015. The board of review also submitted copies of the mortgage and the trustees’ deed, the latter of which shows that the transaction was exempt from the payment of real estate transfer tax stamps pursuant to 35 ILCS 200/31-45(e). The board of review also submitted a printout from loopnet.com, showing a sale listing for the subject. This printout states that the listing was created on December 2, 2016, but that the subject is “no longer advertised on LoopNet.com.”

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 proven 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 did not meet this burden of proof, and a reduction in the subject’s assessment is not warranted.

The Board finds that the appraisal is not credible, as it fails to disclose a transfer in ownership of the subject on September 21, 2015, which is just three months prior to the appraisal’s date of value of January 1, 2016. The board of review’s evidence of this sale does not disclose the sale price. Moreover, it does not appear that the transaction was at arm’s-length, as the transaction was exemption from the payment of real estate transfer tax stamps under section 31-45(e) of the Real Estate Transfer Tax Law, which states, “Exemptions. The following deeds or trust documents shall be exempt from the provisions of this Article except as provided in this Section: (e) Deeds or trust documents where the actual consideration is less than \$100.” Despite these deficiencies, the board of review’s evidence clearly shows that there was a transfer of ownership, and the appraisal misleadingly states that “[a]ccording to our research of available public information, there has been no recorded transfers of ownership of the subject property within five years of the effective date of value.” On the contrary, there was a change in ownership from Chicago Titles Land Trust Co. to Schaumburg Car Care Center, Inc. just three months prior to the appraisal’s effective date of value, and that transfer of ownership was publicly documented with the Cook County Recorder of Deeds. While the record is murky regarding the details of this transaction, it is clear that it occurred, and it is clear that the appraiser failed to properly

address it. For these reasons, the Board finds that the appraisal is not credible, and gives it no weight in this analysis. The appellant did not submit any further evidence of the subject's market value. Therefore, the Board finds that the appellant has not proven, by a preponderance of the evidence, that the subject is overvalued, and that a reduction in the subject's assessment is not 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: 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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Lenny Toma, by attorney:
Caren Gertner
Law Office of Gertner & Gertner, Ltd.
123 West Madison Street
Suite 1706
Chicago, IL 60602

COUNTY

Cook County Board of Review
County Building, Room 601
118 North Clark Street
Chicago, IL 60602