



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

APPELLANT: Seth Levitz  
DOCKET NO.: 18-22097.001-R-1  
PARCEL NO.: 05-29-101-023-0000

The parties of record before the Property Tax Appeal Board are Seth Levitz, the appellant, by attorney James Dooley, of Reilly, Sullivan & Dooley, LLC in Chicago; the Cook County Board of Review; the Avoca S.D. #37, and New Trier H.S.D. #203, intervenors, by attorney Scott L. Ginsburg of Robbins, Schwartz, Nicholas, Lifton, and Taylor in Chicago.

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:** \$97,190  
**IMPR.:** \$40,310  
**TOTAL:** \$137,500

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Cook County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2018 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 masonry exterior construction with 6,741 square feet of living area.<sup>1</sup> The dwelling is approximately 60 years old. Features of the home include a partial basement with unfinished area, central air conditioning, two fireplaces, and a 2.5-car garage. The property has a 69,422 square foot site located in Winnetka, New Trier Township, Cook County. The subject is classified as a class 2-09 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 in support of the sale of the subject property including a

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<sup>1</sup> The parties differ as to the size of the subject dwelling. The Board finds the best evidence in this record regarding the subject's size was the sketch provided in the appellant's appraisal.

Residential Appeal petition and copies of Exhibit A – Settlement Statement from the September 2017 Sale, Exhibit B – September 2017 Trustee’s Deed, Exhibit C – Affidavit of Appellant/Buyer Regarding Circumstances of Sale, Exhibit D – MLS Listing, Exhibit E - 2017 Financing Appraisal, and Multi-Board Residential Real Estate Contract 6.1.

The appellant’s evidence disclosed the subject property sold in September 2017 for \$1,375,000. The appellant completed Section IV – Recent Sale Data of the Residential Appeal petition disclosing the transaction was not between family members or related corporations, the subject was sold through a realtor with Coldwell Banker, the subject property was advertised for sale in the Multiple Listing Service (MLS) for a period of 155 days, and the buyer did not assume the seller’s mortgage. The settlement statement disclosed a commission was paid to Coldwell Banker Residential Brokerage, and the real estate contract indicated the appellant offered to purchase the property on June 8, 2017 for a price of \$1,450,000. The appraisal report was prepared by Michael D. Borre, a certified residential real estate appraiser, for the appellant’s lending institution. The appraiser arrived at an estimated market value of \$1,450,000 as of September 11, 2017 for the subject property via the sales comparison approach. In Exhibit E of the appellant’s evidence, the appraiser noted that “The property went under contract for \$1,375,000 on 08/30/2017.”

The signed affidavit by the appellant/buyer provided a chronological clarification of the circumstances of the sale between the parties. In summary of the appellant’s affidavit, the house was originally listed on the market in April 2017 for \$1,995,000 which was reduced in May 2017 to \$1,795,000. In June 2017, the buyers made an offer to purchase the subject for \$1,300,000 that was increased to \$1,450,000 in which the seller refused the appellant’s offer to go below \$1,645,000. In August 2017, the list price dropped again to \$1,600,000 and the buyers made a counteroffer to \$1,450,000, which the seller accepted. Following the home inspection, the parties agreed to split the cost of \$150,000 in repairs. Based upon the split of the cost of the repairs and as shown in the settlement statement, the subject property was ultimately purchased by the buyers, Seth and Colleen Levitz from Joan Y. Chapman Estate Trust in September 2017 for a sales price of \$1,375,000.

Based on this evidence, the appellant requested a reduction in the subject's 2018 assessment to \$137,500 to reflect the subject’s 2017 purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$220,000. The subject's assessment reflects a market value of \$2,200,000 or \$203.97 per square foot of living area, land included, when using the 6,741 square feet of living area.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales that are located within the same neighborhood code as the subject property. The comparables have sites ranging in size from 19,428 to 66,516 square feet of land area and are improved with class 2-09, two-story dwellings of masonry or frame and masonry exterior construction ranging in size from 5,054 to 5,885 square feet of living area. The dwellings range in age from 9 to 91 years old and have partial or full basements, two of which have finished area. The comparables have from two to six fireplaces and from a two-car to a four-car garage. The properties sold from January 2015 to August 2015 for prices ranging from

\$2,225,000 to \$4,200,000 or from \$437.89 to \$718.56 per square foot of living area, land included. Based on this evidence, the board of review requested the subject's assessment be confirmed.

A letter dated November 12, 2019 was sent to the PTAB from Robbins Schwartz, the attorney representing Avoca School District No. 373 and New Trier High School District No. 203, that the intervenors pursuant to PTAB Rule 1910.99, Ill. Admin. Code tit. 86 § 1910.99 (2013) were adopting the evidence provided by the Cook County Board of Review.

### **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 appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The appellant submitted information regarding a September 2017 sale of the subject property while the board of review submitted information on four comparable sales to support their respective positions before the Board. The Board gives less weight to the board of review comparables due to their 2015 sale dates occurring more than 28 months prior to the January 1, 2018 assessment date at issue and also due to significant differences in the sales comparables' lot size, age, and/or dwelling size when compared to the subject.

The Board finds the best evidence of market value to be the purchase of the subject property in September 2017 for a price of \$1,375,000, which sold relatively proximate in time to the January 1, 2018 assessment date at issue. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. In further support of the transaction, the appellant submitted copies of the settlement statement, trustee's deed, an affidavit by appellant/buyer regarding circumstances of sale, an MLS listing, a financial appraisal, and a sales contract. The appellant's evidence disclosed the parties to the transaction were not related, the property was sold using a realtor and commissions were paid to Coldwell Banker, and the property had been advertised on the open market in an MLS listing for 155 days. Moreover, 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. The Board finds the subject's purchase price is below the market value reflected by its assessment of \$2,200,000 or \$203.97 per square foot of living area, land included, when using the 6,741 square feet of living area.

Based on this record, the Board finds a reduction in the subject's assessment to reflect its sales price commensurate with the appellant's request 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: March 15, 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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