



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

APPELLANT: Freeform Home LLC
DOCKET NO.: 18-22160.001-R-1 through 18-22160.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Freeform Home LLC, the appellant, by attorney Steven Kandelman of Rieff Schramm Kanter & Guttman 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
18-22160.001-R-1	04-12-201-028-0000	12,000	18,050	\$30,050
18-22160.002-R-1	04-12-201-029-0000	11,569	18,481	\$30,050

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 two parcels that are improved with a two-story dwelling of stucco exterior construction that contains 3,264 square feet of living area and is approximately 86 years old. Features of the home include a partial basement with a formal rec room, central air conditioning, three fireplaces¹ and an attached two-car garage. The two parcels have a combined land area of 16,836 square feet and are located in Glencoe, New Trier Township, Cook County. The subject is classified as a class 2-06 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant makes three arguments as the bases of the appeal. The first argument is that from January 1, 2018 through the time of purchase in April 2018 the subject property had been vacant

¹ Although the grid analysis states that the dwelling has two fireplaces, the listing sheet shows the home has three fireplaces, located in the family room, living room and master bedroom, respectively.

and 100% uninhabitable. The appellant contends that the dwelling is in a distressed and dilapidated condition which includes collapsing ceilings and a crumbling exterior. In support of this contention, appellant's attorney submitted several photographs of the interior and exterior of the dwelling, along with a Vacancy/Occupancy Affidavit dated September 13, 2018 which avers that the building has been vacant from January to September 2018 due to the condition of the home. Appellant's counsel stated that the home is projected to remain vacant and uninhabitable for the rest of 2018 and will thereafter be demolished, reconstructed and listed for sale. Based on this argument, appellant requested a reduction in the subject property's total assessment to \$34,745 to reflect the vacant and uninhabitable condition of the property.

The second contention of appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted evidence disclosing the subject property was purchased on April 9, 2018 for \$601,000. The appeal petition indicated the property was purchased from Linda Waldman and had been sold by a Realtor who had advertised the property for sale on the Multiple Listing Service (MLS) for 215 days. In the brief, appellant's counsel disclosed that the appellant purchased the subject property "after a bid and negotiated the purchase price with the seller, who previously purchased the Subject through foreclosure." Appellant submitted a copy of the MLS listing sheet showing the property was originally listed for \$675,000 on August 10, 2017 and that a contract for \$601,000 was entered into on or about March 12, 2018. The listing sheet disclosed that the home was REO/Lender Owned and was being sold "AS-IS, Where-Is with all faults." Appellant also submitted copies of the Special Warranty Deed that conveyed title to the appellant along with a copy of the Settlement Statement showing that this was a cash purchase and that commissions were paid to Linda Waldman and two Realtors at closing.² The statement also shows a \$1,000.00 fee was paid to Altisource Online Auction, Inc. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$60,100 to reflect the purchase price.

Appellant's third basis of appeal is assessment inequity. In support of this argument, the appellant submitted information on three equity comparables, all located in the same neighborhood as the subject. The comparables consist of two-story, stucco, masonry or frame dwellings that range in age from 66 to 88 years old. The dwellings range in size from 3,794 to 4,263 square feet of living area. Each of the dwellings has a full or partial basement, one with a formal rec room. Two of the comparables feature central air-conditioning and an attached two-car garage. Two comparables have either one or three fireplaces. The comparables have improvement assessments ranging from \$62,487 to \$72,577 or from \$16.47 to \$17.02 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment to \$54,900 or \$16.82 per square foot of living area.

The total combined assessment for the subject parcels was disclosed as \$79,449.³ The subject's assessment reflects a market value of \$794,490 or \$243.41 per square foot of living area,

² In Section IV of the Notes on Appeal, Linda Waldman is identified as the individual from whom the property was purchased. The Special Warranty Deed submitted by appellant shows the grantor as RESI REO, Sub, LLC. The deed was executed on behalf of the LLC by Yvette Malay. Linda Waldman's name does not appear on the deed but, according to the settlement statement, a \$15,000 commission was paid to her at closing.

³ The "Board of Review Notes on Appeal" submitted by the board of review only disclosed the total assessment for PIN 04-12-201-028-0000. Information regarding the assessment for PIN 04-12-201-029-0000 was gleaned from evidence submitted by the appellant.

including land, when applying the Cook County level of assessment for class 2 property of 10%. The subject property has a combined improvement assessment of \$55,880 or \$17.12 per square foot of living area.

In support of its contention of the correct assessment, the board of review submitted information on four comparables for both the overvaluation and equity arguments. One comparable is located within 1/4 of a mile of the subject property in the same subdivision as the subject property. The proximity of the other three properties to the subject was not disclosed by the board of review and none of those three comparables have the same neighborhood code as the subject. The properties are improved with stucco, frame and masonry, or masonry two-story dwellings that range in age from 86 to 88 years old. The dwellings range in size from 3,440 to 3,556 square feet of living area. Each comparable has a basement, three with formal rec rooms. Three comparables have central air conditioning. Each comparable has one or two fireplaces and a two-car garage. The comparables sold from April 2015 to November 2016 for prices ranging from \$835,000 to \$1,435,000 or from \$242.73 to \$403.54 per square foot of living area, land included. These properties have improvement assessments ranging from \$72,625 to \$84,242 or from \$20.75 to \$23.69 per square foot of living area.

The board of review did not respond to appellant's vacancy argument. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Appellant's counsel submitted a rebuttal brief arguing that the board of review's unadjusted comparables are useless and should be given no weight. He further argued that three of the four board of review comparables were located in a different area and neighborhood code than the subject property and should not be considered. Appellant's counsel also noted that the board of review chose not to respond to appellant's vacancy argument even though the assessor and board of review have a policy or procedure in place to "treat taxpayer's afflicted by vacancy." Appellant's counsel submitted a copy of the final decision of assessed valuation issued by the Cook County Assessor dated June 28, 2019 which shows the 2019 total combined assessment of the subject property was reduced from \$73,600 to \$33,118 based on "the total vacancy of the subject property."

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 parties submitted evidence regarding the subject's 2018 sale and four comparable sales to support their respective positions before the Property Tax Appeal Board.

The Board has given less weight to the appellant's rebuttal evidence of the 2019 assessment of the subject property as this data is less reflective of its January 1, 2018 market value than the April 2018 sale price of the subject.

The Board gave less weight to the board of review comparables as their 2015 and 2016 sales are somewhat dated relative to the January 1, 2018 assessment date at issue and therefore not as indicative of the fair market value of the subject property as of that date. Further, three of the comparables are located an undisclosed distance from the subject and are in a different neighborhood than the subject property. Further, there is also no evidence that any of these comparables were in a dilapidated uninhabitable condition, similar to the subject property, at the time of their respective sales.

The Board finds the subject's April 2018 purchase is the best evidence of market value in the record. Appellant disclosed that it purchased the property from a party who initially bought it through foreclosure. The sale was made by a negotiated bid. The evidence shows that the house was in poor condition at the time of purchase and not fit for habitation. The listing sheet shows that the subject was being sold through foreclosure in As-Is condition and had been on the market 215 days at the time of its initial sale. The board of review presented no evidence disputing the validity of the sale or the condition of the property. Therefore, a reduction in the subject's assessment based on the 2018 sale for \$601,000 is warranted on this basis.

The Board gives no weight to the appellant's vacancy argument. The Board finds the subject's April 2018 purchase price is reflective of the subject's fair cash value considering its condition and the fact that the property was vacant at the time of purchase.

The appellant also contended unequal treatment in the subject's building assessment as a basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data and considering the reduction in assessment for overvaluation, the Board finds no further reduction in the subject's assessment is 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 17, 2020



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

Freeform Home LLC, by attorney:
Steven Kandelman
Rieff Schramm Kanter & Guttman
100 North LaSalle Street
Suite 2300
Chicago, IL 60602

COUNTY

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