



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

APPELLANT: Castletown Homes, Inc
DOCKET NO.: 18-25991.001-R-1
PARCEL NO.: 22-27-300-086-0000

The parties of record before the Property Tax Appeal Board are Castletown Homes, Inc, the appellant(s), by attorney George Michael Keane, Jr., of Keane and Keane in Hinsdale; 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: \$6,754
IMPR.: \$13,041
TOTAL: \$19,795

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 is improved with a less-than-one-year-old, two-story, building of frame and masonry construction containing 2,100 square feet of gross building area. Features of the subject included a full unfinished basement, central air conditioning, and a two-car garage. The property was situated on 11,747 square feet of land in Lemont, Lemont Township, Cook County. The subject is classified as a Class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on overvaluation. The appellant argued in a brief that the subject was one townhouse improvement in a subdivision development of which five parcels were improved with townhouses. The subdivision was created in 2016 and was designated with one

Property Index Number (PIN). Each constructed townhouse was later designated with its own PIN. The subject property was designated as PIN 086 at 14253 Lacey Drive. [The appellant further argued that the subject property did not receive an Occupancy Certificate during the 2018 lien year and was used as a model home.]

The appellant submitted various documents in support of the argument for an assessment reduction for the subject because it was a model home: an aerial view photograph of the subdivision; street-view and interior-view photographs of the townhouses; a Plat of Survey depicting the subdivision; a Declaration of Covenants and Conditions; an Occupancy Certificate for the entire subdivision; three settlement statements disclosing the sale of three townhouses; an Affidavit of Ann Bell, agent of the appellant; and a Model Home Application to the Cook County Assessor for the subject property.

The settlement statements for the properties at 14251 Lacey Drive and 14255 Lacey Drive were each identified as PIN 086. The settlement statement for the property at 14257 Lacey was identified as PIN 083. However, the subject property was designated as PIN 086 at 14253 Lacey Drive.

The Affidavit and Model Home Application included salient information to guide the Board in its decision. In the October 15, 2018, Affidavit, Ann Bell attested that she was the appellant's agent when the entire development land was purchased in 2015; that the developer constructed five townhomes on the land; that three of them were under contracts to sell from October through December 2018; and that the property subject to the instant appeal, located at 14253 Lacey Drive, was used as a jobsite office and "staged for use as a Model unit." The Model Home Application was attested to by Ann Bell on October 15, 2018. It disclosed the subject property (identified by PIN 086 at 14253 Lacey Drive) would be used as a model home for the 2019 assessment year, beginning January 1, 2019.

The appellant submitted a brief to explain the sale of the three townhomes. The appellant cited Sections 9-160 and 9-180 of the Property Tax Code (35 ILCS 200/16-160 and 16-180) to argue the new townhomes should be assessed from the date an occupancy permit was issued. The appellant asserted the subject did not have an occupancy permit for 2018 and was not used for residential purposes.

Based on this evidence, the appellant requested a reduction in the subject's 2018 assessment to \$19,795, \$6,754 for the land assessment and \$13,041 for the improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$87,724. The subject's assessment reflects a market value of \$877,240, or \$471.73 per square foot when applying the 2018 level of assessment of 10.00% for Class 2 property under the Cook County Real Property Assessment Classification Ordinance. In support of its contention of the correct assessment, the board of review submitted information on three suggested equity comparable properties.

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 argument and evidence of the subject's use as a model home for 2019 is irrelevant to the 2018 lien year assessment. The Board finds the best evidence of market value to be affidavit and settlement statements for the sale of the additional parcels. The appellant provided evidence that the subject was not occupied with the benefit of permit for the 2018 lien year. Based on this record, the Board finds a total assessment of \$19,795.

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 23, 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

AGENCY

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