



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

APPELLANT: Caroline Wettersten
DOCKET NO.: 18-28760.001-R-1
PARCEL NO.: 14-20-105-052-1002

The parties of record before the Property Tax Appeal Board are Caroline Wettersten, the appellant, by attorney Robert Rosenfeld, of Robert H. Rosenfeld and Associates, LLC 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:

LAND: \$10,868
IMPR.: \$63,850
TOTAL: \$74,718

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 single unit in a 3-unit condominium complex with masonry exterior construction containing 2,212 square feet of living area.¹ The dwelling is approximately 94 years old. Features of the dwelling include two fireplaces, and a 1-car garage. The property is located in Chicago, Lake View Township, Cook County. The subject is classified as a class 2-99 property under the Cook County Real Property Assessment Classification Ordinance.

¹ Descriptive information was gleaned in part from Section III of the appeal form in addition to the appellant's brief as neither party provided the property record card for the subject as required by 86 Ill.Admin.Code §1910.40. Where the descriptive information conflicted with the data presented in Section IV of the appeal form, e.g., foundation type and number of stories, the Board finds more probative the information contained in Section III of the appeal form entitled "Description of Property."

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted information on three comparable units, one of which was the subject unit, with each comparable located within the same 3-unit condominium complex as the subject property. Only comparable #3 contained sales data. The comparables consist of similar class 2-99 condominium units of masonry construction containing either 2,212 or 3,000 square feet of living area. Each comparable has two fireplaces and a 1-car garage. The only comparable with sale data sold in May 2015 for a price of \$655,000 or \$296.11 per square foot of living area, including land. Appellant's counsel also submitted a brief asserting that "...all sales of units during the relevant time period of 2015 to 2018 have been included" Furthermore, in his brief, appellant's counsel argued that based on the 1 sale that took place during the relevant time frame, the assessor's proposed 2018 assessment exceeds the fair market value for the subject property.

Based on this evidence, the appellant requested that the subject's total assessment be reduced to \$66,488. The requested assessment would reflect a total market value of \$664,880 or \$300.58 per square foot of living area, land included, when applying the 10% level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$74,718. The subject's assessment reflects a market value of \$747,180 or \$337.78 per square foot of living area, including land, when applying the 10% level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance. Although the Notes on Appeal contains a notation of "see attached", nothing was attached and the board of review did not submit any other evidence in support of its assessed valuation 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

Initially, the Board finds that the board of review did not submit any evidence in support of its assessment of the subject property as required by Section 1910.40(a) of the rules of the Property Tax Appeal Board and is found to be in default pursuant to §1910.69(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.40(a) & §1910.69(a).

The Board finds the only evidence of market value in the record to be one single sale of a condominium unit submitted by the appellant which occurred in May 2015 for a price of \$655,000 or \$296.11 per square foot of living area, including land. The Board finds that the appellant's counsel in his supporting brief confirmed that the appeal is based on only one comparable sale.

Section 1910.65 of PTAB Rules states as follows:

Proof of the market value of the subject property may consist of the following:

- 1) an appraisal of the subject property as of the assessment date at issue;
- 2) a recent sale of the subject property;
- 3) documentation evidencing the cost of construction of the subject property including the cost of the land and the value of any labor provided by the owner if the date of construction is proximate to the assessment date; or
- 4) **documentation of not fewer than three recent sales of suggested comparable properties together with documentation of the similarity, proximity and lack of distinguishing characteristics of the sales comparables to the subject property.** (Emphasis added)

86 Ill.Admin.Code 1910.65(c)(4).

Based on the above statute, the Board finds that one comparable sale does not overcome the burden of moving forward with substantive documentary evidence to substantiate a reduction in the subject's assessment based on overvaluation. Additionally, the only sale in the record occurred in May 2015, approximately 31 months removed in time from the subject's January 1, 2018 assessment date at issue and thus less likely to be a good indicator of subject's market value as of that date.

The Board has examined the evidence submitted by the appellant and finds that based on the evidence in the record the appellant did not demonstrate by a preponderance of the evidence that the subject property is overvalued and, therefore, a reduction in the assessed valuation of the subject property 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: September 21, 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

Caroline Wettersten, by attorney:
Robert Rosenfeld
Robert H. Rosenfeld and Associates, LLC
33 North Dearborn Street
Suite 1850
Chicago, IL 60602

COUNTY

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