



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

APPELLANT: Heffernan Builders LLC
DOCKET NO.: 18-42988.001-R-1
PARCEL NO.: 14-31-400-021-0000

The parties of record before the Property Tax Appeal Board are Heffernan Builders LLC, the appellant(s), by attorney Noah J. Schmidt, of Schmidt Salzman & Moran, 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:

LAND: \$13,650
IMPR.: \$79,512
TOTAL: \$93,162

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 newly constructed, three-story, three-unit residential condominium building. The subject property is situation on a 3,000 square foot site. At the date of filing, no individual PIN's were assigned to the units. Features of the building were not provided. The subject property is located in Chicago, West Chicago Township, Cook County. The subject is classified as a class 2-97 property under the Cook County Real Property Assessment Classification Ordinance.

The basis of the appellant's appeal is not entirely clear. In Section II, Line 2d, the appellant marked that they were proceeding under the following theories: assessment equity, comparable sales, and contention of law. The appellant did not provide any equity comparables. The appellant did not provide any sales comparables. The appellant submitted a brief which indicates that they are proceeding based on recent sales, despite that claim not being marked in Section II

of the residential appeal. Unit #1 sold on December 6, 2018, for a sale price of \$862,000. Unit #2 sold on March 19, 2018, for a sale price of \$500,000. Unit #3 sold on August 10, 2018, for a sale price of \$1,080,000. The appellant did not answer any questions of Section IV – Recent Sale Data of the residential appeal. The appellant did; however, submit a printout with their analysis on how to compute their requested assessed value based on recent sales. Within this analysis the appellant also requested an additional reduction of assessed value for personal property, assessment factor, and occupancy factor. The appellant also submitted a chart labeled Assessment Ratios 2017 and three settlement statements from the three units within the subject property. Based on this the appellant is asking for a reduction of assessed value to \$72,612.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$93,162.

Conclusion of Law

The Board infers that the intended basis of the appellant's appeal is overvaluation based on the evidence submitted regarding recent sales in the building. 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.

The Board gives little weight to the recent sales as it is unclear whether the sales were of an arms-length nature. The appellant failed to answer the questions in Section IV of the residential appeal. The appellant provided no answers to pertinent questions regarding realtors, advertising on the open market, or whether the sale of the subject property was between family members. There is no evidence showing if or how the property was advertised to the open market. The settlement statements for Unit #1 and Unit #3 do show some indication that a real estate broker was used; however, the settlement statement for Unit #2 shows that one of the buyers' last name (Heffernan) is the same as the seller (Heffernan Builders, LLC), which further calls into question the arm's length nature of the transaction. The Board finds that the appellant failed to prove by a preponderance of the evidence that the sales were of an arm's length nature.

Regarding the personal property, the appellant did not submit any evidence that personal property was included in the sale. Additionally, the Board finds that it is not authorized to apply an assessment level to the subject property other than the 10% assessment level found in the Cook County Real Property Assessment Classification Ordinance. The Board finds that this rule requires annual sales ratio studies from the previous three years, and that the appellant's sales ratio evidence is only for tax year 2017. Even were the Board to consider the appellant's sales ratio evidence, the Board notes that the application of this rule is discretionary, and that the appellant's evidence was for tax year 2017 while the instant tax year is 2018. Lastly, the appellant provided no evidence to corroborate their request for a reduction based on an occupancy factor.¹ The appellant provides no evidence, argument, or statutory or common law

¹ In the appellant's calculations on a document titled "1923 N. Damen Ave., Chicago," the appellant multiplies their calculated adjusted A/V price by their "ASR Occ Factor" (35%) to determine the building's assessed value.

authority to warrant this reduction. Accordingly, the appellant did not prove by preponderance of the evidence that the subject property was over valuated and a reduction in the subject's assessment to the appellant's request is not 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: February 20, 2024



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

Heffernan Builders LLC, by attorney:
Noah J. Schmidt
Schmidt Salzman & Moran, Ltd.
111 West Washington St.
Suite 1300
Chicago, IL 60602

COUNTY

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