



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

APPELLANT: John McGuinness  
DOCKET NO.: 19-21926.001-R-1  
PARCEL NO.: 05-21-129-016-0000

The parties of record before the Property Tax Appeal Board are John McGuinness, 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:** \$20,097  
**IMPR.:** \$35,551  
**TOTAL:** \$55,648

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 2019 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 one-story, single-family dwelling of stucco construction with 1,935 square feet of living area. The dwelling is 109 years old. Features of the home include a full, unfinished basement, central air conditioning, and a one-car garage. The property has an 8,932 square foot site and is located in Winnetka, New Trier Township, Cook County. The subject is classified as a class 2-04 property under the Cook County Real Property Assessment Classification Ordinance.

The appellants assert overvaluation in this appeal. In support of the overvaluation argument, the appellant submitted evidence disclosing that the subject property was purchased in June 2019, for a price of \$498,750. The evidence included a settlement statement for the transaction, which stated that, from the sales proceeds, \$50,296.54 in fees, taxes, and the broker's commission was disbursed. The remaining \$448,453.56 went to the seller's mortgage lender.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$55,648. The subject's improvement assessment is \$35,551, or \$18.37 per square foot of living area. The subject's assessment reflects a market value of \$556,480 or \$287.59 per square foot of living area, land included, when using the Cook County Real Estate Classification Ordinance level of assessment for class 2 property of 10%.

In support of its contention of the correct assessment the board of review submitted information on four suggested comparable sales. The board of review also submitted a brief in which it argued that the Board should give no weight to the recent sale of the subject because it may not have been an arm's length transaction. Additionally, the board of review submitted a "deed trail" from the Cook County Recorder of Deeds purporting to contain entries about documents relating to the subject property that were recorded. The deed trail submitted by the board of review was for the wrong property, however.

The board of review originally requested a hearing, but the parties submitted to the Board a signed Waiver of Hearing dated December 28, 2022. Accordingly, this appeal will be resolved based upon the submissions of the parties.

### **Conclusion of Law**

When market value is the basis of the appeal, the taxpayer must prove the value of the property by a preponderance of the evidence. 86 Ill. Admin. Code §1910.63(e); Winnebago County Bd. of Review v. Property Tax Appeal Bd., 313 Ill. App. 3d 1038, 1043 (2d Dist. 2000). 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 on this basis is warranted

The appellant presented evidence that the subject property was sold on June 7, 2019, for a price of \$498,750. The appellant filled out Section IV - Recent Sale Data of the PTAB residential appeal form and disclosed that the parties to the transaction were not related, the property was sold by a realtor, and the property had been advertised on the open market via Multiple Listing Services. The appellant did not disclose whether the sale was a foreclosure sale or how long the property had been on the market before it was sold, although the appeal form requested that he do so. The appellant also submitted a copy of the settlement statement from the transaction.

The Board's task in this case is to determine the correct assessment of the subject property. *See* 35 ILCS 200/16-180. Under Illinois law, real property must be valued at its fair cash value, meaning the price that would be paid for it at a fair, voluntary sale where the buyer and seller are both ready, willing, and able to buy and sell, but neither is compelled to do so. Bd of Educ of Meridian Community School Dist. No. 223 v. Ill. Property Tax Appeal Bd., 2011 IL App (2d) 100068, ¶ 36.

A contemporaneous sale of the subject property between parties dealing at arms-length is practically conclusive on the issue of whether an assessment reflected the fair cash market value

of the property. Gateway-Walden LLC v. Pappas, 2018 IL App (1<sup>st</sup>) 162714, ¶ 33. The board of review contends its brief that the evidence shows that the sale relied on by the appellant was a compulsory sale and is therefore not suggestive of the subject's fair market value. The Illinois Property Tax Code defines a compulsory sale as:

- (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly known as a "short sale" and
- ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete.

35 ILCS 200/16-180.

The deed trail submitted by the board of review does not support this contention, however, because it is a deed trail for the wrong property.

Although the board of review's evidence does not shed light on whether the June 2019 sale was an arm's-length transaction, appellant's own residential appeal petition and evidence casts doubt on whether it was. The petition instructs appellants who assert that a recent sale of the subject property establishes the market value to fill out that section and to answer all questions in it. Here, the appellant did not answer several questions in section IV including "Was this property sold due to a foreclosure action?"

Moreover, the settlement statement that appellant submitted shows that the seller of the property did not receive any of the sales proceeds. The sales price was \$498,750. From that amount, \$50,296.54 in fees, taxes, and the broker's commission was disbursed. The remaining \$448,453.56, over 90% of the sale proceeds, went to the seller's mortgage lender. This is consistent with the possibility that the transaction was a foreclosure sale. Accordingly, the Board will give some weight to the June 2019 sale of the subject but will not deem it conclusive in establishing the subject property's market value.

The Board also gives weight to the four comparable properties submitted by the board of review. One of those properties was within a quarter mile of the subject, and three were within the same municipality. The living area square footage of the subject and the comparables is very similar. The subject has four bedrooms, and the comparables each have three or four bedrooms. The subject has eight rooms in total, and the comparables each have between seven and nine rooms. The subject has a one-car garage while two comparables have one-car garages, and the other two have two-car garages.

The comparables were sold between November 10, 2016, and August 22, 2017, for amounts ranging from \$525,000 to \$979,900, or between \$270.90 and \$463.97 per square foot of living area, land included in the sales prices. The subject's assessment represents a market value of \$287.59 per square foot of living area, land included, which is within this range, and at the lower

end of it. This evidence indicates that the June 2019 sale of the subject was for less than market value which also would be consistent with the possibility that it was a foreclosure sale.

As stated above, when market value is at issue, it is the appellant's burden to prove the value of the property by a preponderance of the evidence. Appellant's only evidence of the value of the property was the June 2019 sale, but appellant's petition and evidence create doubt about whether that sale was an arms-length transaction that would be indicative of the subject's fair market value. Furthermore, the board of review's comparables indicate that the June 2019 sale of the subject did not reflect its actual market value. Under these circumstances, the Board concludes that the appellant has failed to show by a preponderance of the evidence that the challenged assessment is wrong. Accordingly, a reduction 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

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 21, 2023



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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