



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

APPELLANT: John Modica
DOCKET NO.: 19-22950.001-R-1
PARCEL NO.: 10-36-205-049-0000

The parties of record before the Property Tax Appeal Board are John Modica, the appellant, by Robert J. Paul, Attorney at Law 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: \$5,589
IMPR.: \$28,668
TOTAL: \$34,257

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 is improved with a two-story multi-family dwelling of masonry exterior construction containing 2,393 square feet of living area. The building is approximately 63 years old. Features of the property include a full unfinished basement, central air conditioning, two full bathrooms, two half bathrooms, and a 1.5-car garage. The property has a 3,855 square foot site located in Chicago, Rogers Park Township, Cook County. The subject is classified as a class 2-11 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on October 24, 2018, for a price of \$265,000 or \$110.74 per square foot of living area, including land. The appellant completed Section IV – Recent Sale Data of the appeal identifying the seller as Mary K. Nishimura and indicated the parties to the transaction were not related. The appellant further indicated the property was sold by the owner and had not been advertised for sale. To document

the purchase the appellant submitted a copy of the sales contract and a copy of the settlement statement dated October 24, 2018. Based on this evidence, the appellant requested the subject's total assessment be reduced to \$26,500.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$34,257. The subject's assessment reflects a market value of \$342,570 or \$143.16 per square foot of living area, land included, when using the level of assessments for class 2-11 property of 10% 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 four comparable sales improved with two-story multi-family dwellings of masonry construction that range in size from 2,230 to 3,026 square feet of living area. The comparables range in age from 63 to 95 years old. Each comparable has a full basement with one having finished area, one comparable has central air conditioning, and three comparables have a 1.5-car or a 2-car garage. Each comparable has two full bathrooms and one comparable has an additional two half-bathrooms. These properties are located in the same neighborhood as the subject with sites ranging in size from 3,720 to 4,023 square feet of land area. Each comparable is classified as a class 2-11 property. The sales occurred from March 2017 to December 2019 for prices ranging from \$361,500 to \$430,000 or from \$138.80 to \$179.92 per square foot of living area, land included.

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.

The appellant contends overvaluation based on the subject's October 2018 purchase price of \$265,000 or \$110.74 per square foot of living area, land included. However, the appellant provided evidence demonstrating the property had not been advertised for sale. There was no evidence as to how the appellant became aware the property was available for purchase, there was no evidence in the record as to how the property was marketed, and no evidence as to how long the property had been available for purchase. Without evidence demonstrating the property was actively marketed and exposed to the open market detracts from the weight that can be given the purchase price and calls into question the arm's length nature of the transaction.

The board of review presented information on four comparable sales of properties located in the same neighborhood as the subject that also have the same assessment classification code as the subject property. Of these four sales, the Board gives less weight to board of review comparable #3 due to differences from the subject in dwelling size and basement finish. Of the three remaining sales, board of review comparables #1 and #2 would require an upward adjustments for age as each is approximately 30 years older than the subject, neither property has central air conditioning which is a feature of the subject property, and each comparable has fewer

bathrooms than the subject. Additionally, comparable #2 has no garage, whereas the subject has a 1.5-car garage, indicating this comparable would require an additional upward adjustment to make it more equivalent to the subject property for this feature. These properties sold from May 2017 to December 2019 for prices ranging from \$361,500 to \$430,000 or from \$148.77 to \$179.92 per square foot of living area, including land. Board of review comparable #4 is most similar to the subject in age, size, and features and sold for a price of \$430,000 or \$179.92 per square foot of living area, including land. The subject's assessment reflects a market value of \$342,570 or \$143.16 per square foot of living area, including land, which is below the range established by the best comparable sales in this record. Additionally, these sales cast further doubt on the arm's length nature of the subject's transaction as the subject's purchase price is significantly below the purchase price of these most similar comparables.

Based on this record the Board finds, after considering the sale of the subject property and the three best sales provided by the board of review, the subject's assessment is correct and a reduction in the subject's assessment 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:

May 21, 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

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