



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

APPELLANT: J & R Estates LLC
DOCKET NO.: 19-31999.001-R-1
PARCEL NO.: 29-04-204-012-0000

The parties of record before the Property Tax Appeal Board are J & R Estates LLC, the appellant, by attorney Glenn Guttman, of Rieff Schramm Kanter & Guttman, 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 **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: \$1,640
IMPR.: \$1,560
TOTAL: \$3,200

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 dwelling of stucco exterior construction with 1,250 square feet of living area. The dwelling is approximately 93 years old. Features of the home include a full unfinished basement, a fireplace and a one-car garage. The property has a 4,687 square foot site and is located in Riverdale, Thornton Township, Cook County. The subject is classified as a class 2-03 property with a 10% level of assessment under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends both assessment inequity and overvaluation as the bases of the appeal. In support of the inequity argument, the appellant submitted information on four equity comparables, two of which are located in the same assessment neighborhood code as the subject. The comparables consist of class 2-03, one-story dwellings of frame, masonry or frame and masonry exterior construction. The homes range in age from 59 to 92 years old and range in size

from 1,008 to 1,404 square feet of living area. Three comparables have either full or partial unfinished basements and comparable #4 has a concrete slab foundation. Comparables #1 and #2 have central air conditioning and each comparable has from a one-car to a two-car garage. The comparables have improvement assessments ranging from \$2,480 to \$3,375 or from \$2.00 to \$2.51 per square foot of living area.

The appellant alternatively argues that the subject property is overvalued. In support of this contention, the appellant partially completed Section IV – Recent Sale Data reporting that the subject property was sold on December 6, 2017 for \$32,000. The parties to the transaction were not family members or related corporations, the property was advertised for sale and the sale was not due to a foreclosure action or sold using a contract for deed. In further support, the appellant submitted a copy of the Purchaser’s Property Closing Affidavit indicating the property was being purchased from a private owner and would become a rental property. The appellant also submitted a two-page Assignment Agreement depicting an assignment by and between DEJ Investments LLC (assignor) as the “contract purchaser” and J & R Estates, LLC (assignee) of the subject for \$32,000 and agreeing to “be responsible for clearing all violations with respect to Village of Riverdale Fire Inspection Dept.” Submitted documentation also included a Warranty Deed related to the transfer of the subject property to J & R Estates, LLC.

Based on the foregoing evidence, the appellant requested a reduced improvement assessment to \$2,825 or \$2.26 per square foot of living area or, in the alternative, a reduced total assessment of \$3,200 in order to reflect the recent sale price of the subject.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$5,553. The subject property has an improvement assessment of \$3,913 or \$3.13 per square foot of living area. Based on its assessment, the subject has a market value of \$55,530 or \$44.42 per square foot of living area, including land, when applying the class 2 level of assessment of 10% under the Cook County Real Property Assessment Classification Ordinance.

In response to the appeal, the board of review noted that its comparable properties are similar to the subject in age, size and proximity with an assessment per square foot the same or higher than the subject indicating the assessment is correct. In support of its contention of the correct assessment on equity grounds, the board of review submitted information on four comparables located within the same assessment neighborhood code as the subject and within ¼ of a mile from the subject. The comparables consist of class 2-03, one-story dwellings of masonry exterior construction. The homes range in age from 89 to 95 and range in size from 1,146 to 1,552 square feet of living area. Each dwelling has a full unfinished basement and a two-car garage. Two comparables each have a fireplace and comparable #3 has central air conditioning. The comparables have improvement assessments ranging from \$4,826 to \$6,638 or from \$4.13 to \$4.88 per square foot of living area.

As to the appellant’s market value argument the Board finds that, as part of the board of review grid analysis, the subject property is depicted as having sold in January 2018 for \$32,000 or \$25.60 per square foot of living area, including land.

Conclusion of Law

The taxpayer in part contends assessment inequity as a basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted on this basis.

The parties submitted a total of eight equity comparables to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparables #1 and #4 which differ from the subject in age and location.

The Board finds the best evidence of assessment equity to be appellant's comparables #2 and #3 along with the board of review comparables which are each similar to the subject in location, age, dwelling size and some features. These comparables have improvement assessments ranging from \$2,864 to \$6,638 or from \$2.04 to \$4.88 per square foot of living area. The subject's improvement assessment of \$3,913 or \$3.13 per square foot of living area falls within the range established by the best comparables in this record.

Based on this record and after considering appropriate adjustments to the best comparables for differences from the subject, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified on grounds of lack of assessment equity.

In the alternative, the appellant argued that the subject's assessment was not reflective of market value. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill. App. 3d 1038 (3rd Dist. 2002). The Board finds this burden of proof has been met and a reduction in the subject's assessment is warranted on grounds of overvaluation.

The appellant submitted the December 2017 purchase price of the subject property for \$32,000 and the board of review acknowledged a sale of the subject for \$32,000 as of January 2018. The issue before the Property Tax Appeal Board is the best evidence of the subject's market value as of the January 1, 2019 assessment date which is the date of valuation at issue in this matter. The Property Tax Appeal Board finds the subject's sale price that occurred approximately 12 to 13 months prior to the lien date at issue support the contention that the subject property has been overvalued based upon its assessment in 2019. The board of review did not challenge the arm's length nature of the sale transaction of the subject property for \$32,000. The appellant indicated the sale had the elements of an arm's length transaction in that it was advertised on the open market and the parties to the transaction were not related.

The subject has an estimated market value of \$55,530 based on its assessment which is substantially greater than its December 2017/January 2018 sale price of \$32,000. Based on the

sale of the subject that was relatively proximate in time to the assessment date of January 1, 2019 and in the absence of any other market value evidence from the board of review to refute that the subject's sale price was indicative of market value, the appellant has shown overvaluation by a preponderance of the evidence. The Property Tax Appeal Board finds that the subject's recent purchase price of \$32,000 is the best evidence of the subject's market value in the record.

Based on the foregoing analysis, the Property Tax Appeal Board finds the appellant has established that the subject property is overvalued based on its assessment and a reduction in the subject's assessment is warranted. Since market value has been determined the 2019 level of assessment for Class 2 property of 10% under the Cook County Real Property Assessment Classification Ordinance shall apply. (86 Ill.Admin.Code §1910.50(c)(2)(a)).

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

AGENCY

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