



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

APPELLANT: Robert Spagnolo  
DOCKET NO.: 19-51120.001-R-1  
PARCEL NO.: 29-20-217-056-0000

The parties of record before the Property Tax Appeal Board are Robert Spagnolo, the appellant, by attorney Eric Feldman of Eric Feldman & Assoc. P.C. 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:** \$1,565  
**IMPR.:** \$4,225  
**TOTAL:** \$5,790

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 one-story dwelling of frame and masonry exterior construction that contains 1,158 square feet of living area. The dwelling is approximately 48 years old. Features of the property include a full unfinished basement, central air conditioning, one bathroom, and a two-car detached garage. The property has a 6,262 square foot site located in Harvey, Thornton Township, Cook County. The subject is classified as a class 2-03 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on April 25, 2019, for a price of \$24,100. The appellant completed Section IV – Recent Sale Data of the appeal identifying the seller as Bank of NY Mellon AKA The Bank of NY as Trustees for the Certificate Holders of CWABS, Inc., and indicated the parties to the transaction were not related.

The appellant also indicated that the property was sold through a Realtor, Re/Max Synergy, and had been listed for sale in the Multiple Listing Service for approximately three months. The appellant further disclosed that the property was sold due to a foreclosure action. To document the sale the appellant submitted a copy of the settlement statement dated April 25, 2019, disclosing the purchase price of \$24,100 and further indicating that commissions were paid to Re/Max Synergy, listing agent, and Coldwell Bank Residential, buyer's agent. Based on this evidence, the appellant requested the subject's total assessment be reduced to \$2,450.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$6,197. The subject's assessment reflects a market value of \$61,970 or \$53.51 per square foot of living area, land included, when using the Cook County Real Property Assessment Classification Ordinance level of assessments for class 2-03 property of 10%.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales improved with one-story dwellings of masonry or frame and masonry exterior construction that range in size from 1,013 to 1,448 square feet of living area. The homes range in age from 54 to 61 years old. Three comparables have full basements with finished recreation room area and one comparable has a slab foundation. The comparables have 1 or 1½ bathrooms, and three comparables have a two-car garage. These properties have sites ranging in size from 5,040 to 9,450 square feet of land area. The comparables have the same classification code and neighborhood code as the subject property. The sales occurred from March 2017 to December 2019 for prices ranging from \$60,000 to \$85,000 or from \$58.03 to \$69.10 per square foot of living area, including land.

### **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 evidence in the record supports a reduction in the subject's assessment.

The appellant provided evidence that the subject property was purchased in April 2019 for a price of \$24,100 or \$20.81 per square foot of living area, including land. The appellant provided evidence demonstrating the sale had elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, and the property had been advertised on the open market with the Multiple Listing Service. In further support of the transaction the appellant submitted a copy of the settlement statement. The Board finds the purchase price is below the market value reflected by the assessment and the Board finds the board of review did not present any evidence to challenge the circumstances surrounding the transaction. However, the appellant further disclosed the sale was due to a foreclosure action, which is a type of transaction that may have elements of compulsion or duress calling into question whether the purchase price is truly indicative of fair cash value. Nevertheless, the Board finds some weight should be given the subject's purchase price in establishing the assessment for the 2019 tax year.

The board of review submitted four comparable sales that have varying degrees of similarity to the subject in age, style, size, and features. The Board gives less weight to board of review comparable sale #2 as this property sold approximately one year after the assessment date at issue, and less weight to comparable #4 as this property sold approximately twenty-one months prior to the assessment date at issue; neither of which is a proximate in time to the assessment date as sale dates associated board of review comparables #1 and #3 as well as the subject property. Board of review comparable sales #1 and #3 have varying degrees of similarity to the subject and sold in January 2019 and March 2019 for prices of \$70,000 and \$77,770 or for \$69.10 and \$68.10 per square foot of living area, including land respectively. The subject's assessment reflects a market value of \$61,970 or \$53.51 per square foot of living area, including land, which is below the prices of these two comparable sales. However, these two sales call into question whether the subject's purchase price of \$24,100 or \$20.81 per square foot of living area, including land, is indicative of fair cash value as of January 1, 2019.

However, after considering both the sale of the subject property and the two best comparable sales provided by the board of review, the Board finds a reduction in subject's assessment is 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

AGENCY

State of Illinois  
Property Tax Appeal Board  
William G. Stratton Building, Room 402  
401 South Spring Street  
Springfield, IL 62706-4001

APPELLANT

Robert Spagnolo, by attorney:  
Eric Feldman  
Eric Feldman & Assoc. P.C.  
53 W. Jackson Blvd.  
Suite 1622  
Chicago, IL 60604

COUNTY

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