



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

APPELLANT: Melissa Stoller
DOCKET NO.: 20-25967.001-R-1
PARCEL NO.: 05-27-113-050-0000

The parties of record before the Property Tax Appeal Board are Melissa Stoller, the appellant; 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: \$49,566
IMPR.: \$90,434
TOTAL: \$140,000

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 2020 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 two-story dwelling of masonry exterior construction with 6,662 square feet of living area. The dwelling is approximately 93 years old. Features of the home include an unfinished partial basement, central air conditioning, a fireplace, and a three-car garage. The property has a 22,530 square foot site located in Kenilworth, New Trier Township, Cook County. The subject is classified as a class 2-09 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 sale of the subject by the appellant (the seller) to Lizabeth K. Kohler (the buyer) on December 15, 2020 for a price of \$1,400,000. The appellant completed Section IV of the Residential Appeal petition disclosing the sale did not involve family members or related corporations; the subject property was sold by Peter Cummins, who is a realtor with @Properties, and advertised in a Multiple Listing Service (MLS) for a period of

645 days. To document the sale, the appellant submitted copies of the Master Statement disclosing commissions were paid to @Properties and Berkshire Hathaway Home Services Chicago, Form 1099-S of the Proceeds from Real Estate Transaction, Broker's Commission Statement, Multi-Board Residential Real Estate Contract, Bill of Sale, Warranty Deed, Multiple Listing Services (MLS), Listing & Property History Report, and a one-page Zillow listing.

In a written statement, the appellant contends the subject property is overvalued and the subject property sold in an arm's-length transaction that was not given the necessary consideration in the appellant's complaint with the Cook County Board of Review. The appellant asserted all of the board of review comparable sales have been extensively renovated. As part of the evidence, the appellant also provided printouts from the Cook County Board of Review's website portal with annotated comments by the appellant regarding the subject's property tax complaint with the board of review. Based on this evidence, the appellant requested the subject's total assessment be reduced to reflect its purchase price of \$140,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$175,750. The subject's assessment reflects a market value of \$1,757,500 or \$263.81 per square foot of living area, land included, when applying the level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10%. The board of review also noted the subject's sale on December 15, 2020 was not relevant to the January 1, 2020 date of value and the subject sold below market per the appellant's MLS listing, "MUST SELL NOW!!!! THE LIST PRICE IS BELOW MARKET VALUE JUST FOR THE...LOT".

In support of its contention of the correct assessment the board of review submitted two grid analyses of eight comparable sales located within the same neighborhood code as the subject property. The comparables have sites ranging in size from 12,000 to 33,205 square feet of land area and are improved with class 2-09, two-story dwellings of masonry exterior construction ranging in size from 5,446 to 7,253 square feet of living area. The dwellings range in age from 22 to 96 years old and have partial or full basements, four of which have finished area. Each comparable has from one to four fireplaces and either a two-car or a three-car garage. Seven comparables have central air conditioning, and two comparables also have other improvements. The properties sold from May 2017 to June 2019 for prices ranging from \$1,900,000 to \$2,730,296 or from \$296.62 to \$442.00 per square foot of living area, land included. Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellant critiqued the evidence presented by the board of review and provided supportive evidence to document the dissimilarities of the board of review's comparables to the subject property, which also included documentation of the renovations of two comparables. The appellant also responded to the board of review's reference to the MLS listing of the subject's below market value sale price by stating the "Marketing language often includes hyperbole and 'puffery'... taken alone, should not be used by a court to establish a fair market value for the property." Additionally, the appellant submitted correspondence between the appellant and the realtor as further proof of the slowdown in the market conditions of the Kenilworth area and documentation of sales listing and price drops that transpired throughout the sale of the subject property.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The appellant submitted information regarding a December 2020 sale of the subject property while the board of review submitted information on eight comparable sales to support their respective positions before the Board. The Board finds the eight comparable sales presented by the board of review do not overcome the weight of the subject's arm's length transaction. Seven of the comparables are dated sales that occurred from May 2017 to July 2018, which is more than 17 months prior to the January 1, 2020 assessment date at issue for the subject property. In addition, the appellant asserted and provided supportive evidence that the board of review comparables were renovated properties, which was not refuted by the board of review. The board of review also noted in the grid analysis that comparable sale #4 (PIN #05-27-113-001-0000) was a renovated property. Five of the comparables also have varying differences to the subject in lot size, dwelling size, age, and/or other features.

The Board finds the best evidence of market value to be the purchase of the subject property in December 2020 for a price of \$1,400,000 which sold during the assessment year at issue. The appellant provided substantive evidence demonstrating the sale had the elements of an arm's length transaction. In further support of the transaction, the appellant submitted copies of the correspondence with the realtor and sales listing history with price reductions prior to the subject's sale, master statement, Form 1099-S of Proceeds from Real Estate Transactions, Broker's Commission Statement, real estate contract, warranty deed, and MLS and Zillow sales listings. The appellant's evidence disclosed the parties to the transaction were not related, the property was sold using a realtor, and commissions were paid to @Properties and Berkshire Hathaway Home Services Chicago, and the property had been advertised on the open market in an MLS listing for approximately 645 days. Moreover, the board of review did not present any substantive evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. The Board finds the subject's purchase price is below the market value reflected by its assessment \$1,757,500 or \$263.81 per square foot of living area, land included.

Based on this record, the Board finds a reduction in the subject's assessment to reflect its sales price 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:

November 22, 2022



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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