



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

APPELLANT: Nathan Kully  
DOCKET NO.: 20-48815.001-R-1  
PARCEL NO.: 14-29-421-042-1001

The parties of record before the Property Tax Appeal Board are Nathan Kully, the appellant, by attorney Noah J. Schmidt, of Schmidt Salzman & Moran, Ltd., 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:** \$6,997  
**IMPR.:** \$46,027  
**TOTAL:** \$53,024

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from an administrative decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) in order to challenge 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 single residential condominium unit located within a 4-unit condominium building. The unit contains approximately 1,900 square feet of living area and the building is approximately 14 years old. The condominium building has a 4,823 square foot site and is located in Chicago, Lake View Township, Cook County. The subject is classified as a class 2-99 property under the Cook County Real Property Assessment Classification Ordinance.

In this appeal, the appellant made a contention of law argument. The appellant contends the assessment of the subject property as established by the decision of the Property Tax Appeal Board for the 2018 tax year should be carried forward to the 2020 tax year pursuant to Section 16-185 of the Property Tax Code (35 ILCS 200/16-185). The appellant asserted in the

Residential Appeal petition that the subject condominium unit is an owner-occupied residence<sup>1</sup> that was the subject matter of an appeal before the Property Tax Appeal Board in a prior year within the same triennial assessment cycle and within Docket No. 18-27812.001-R-1 wherein the parties agreed to a reduced total assessment of \$46,512 prior to hearing.

In a brief accompanying the petition, counsel asserted since the issuance of the 2018 tax year decision, the property has not been sold nor have there been any capital improvements made to the property which would materially increase the market value thereof during this general assessment period. “The property is an owner-occupied residence and this tax year is in the same general assessment period as the 2018 reduction.”

Based on the foregoing assertions and in light of Section 16-185, the appellant requested a reduced total assessment of \$46,512, subject only to equalization.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$53,024. The subject's assessment reflects a market value of \$530,240, including land, when applying the level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10%.

In response to the contention of law, the board of review asserted that the subject property was not owner-occupied in 2019/2020 but was rented. In further support of these assertions, the board of review provided Multiple Listing Service (MLS) data sheets and other documentation.

- Under MLS #11058392, the subject property, identified as rented, is depicted as listed for sale for \$575,000 with a reported sale price of \$570,000 that closed in June 2021. The document further depicted that 48 hours’ notice was necessary to show the property as it is “tenant occupied.”
- Next, an Illinois Realtors Residential Real Property Disclosure Report (765 ILCS 77/35) was submitted concerning the subject property dated April 8, 2021 where the answer to question #1 was “no” – Seller has occupied the property within the last 12 months.
- Under MLS #10546819 Residential Rental, the subject property is depicted as rented on November 21, 2019 for \$3,500. The document in part depicted “landlord prefers a 6 month or 18 month lease, if possible, so the lease ends during the spring.”
- Under MLS #11058929 Residential Rental, the subject property is depicted as available for rent on April 19, 2021 with an asking rent of \$3,500 and was off the market on May 13, 2021. In the remarks, the document depicted, in pertinent part, that “UNIT IS UNDER CONTRACT FOR SALE AND NOT AVAILABLE FOR SHOWINGS.” Besides other terms, the remarks included June 1<sup>st</sup> move in date – must be a 2-year lease.” Further as to showings, the document depicted that 48 hours’ notice was necessary to show the property as it is “tenant occupied.”

In support of its contention of the correct assessment for tax year 2020, the board of review submitted a document entitled Condominium Analysis Results for 2022 prepared by Marco

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<sup>1</sup> In line 1b of the petition, counsel for the appellant checked “yes” to the question “is this an owner-occupied residence?” However, in the “Appellant (Taxpayer or Owner) Information” at the top of Section II of the petition, the reported mailing address of the appellant is identical to that of the appellant’s law firm. Thus, the petition does not provide accurate information as to the address where the appellant resides.

Fernandez in which it used the two sales occurring in June 2018 and August 2019 for prices of \$745,000 and \$750,000, respectively. These sales had total consideration (combined sales prices) of \$1,495,000 and the sold units had 50.55% ownership interest in the common elements, so the board of review arrived at a total value for the 4-unit building of \$2,957,467. Applying the 10% Ordinance level of assessment for class 2-99 property results in a total combined assessment for the 4-units of \$295,747. The document further depicts that the subject has a 20.15% ownership interest in the common elements.

In addition, the board of review submitted a document entitled Condominium Analysis Results for 2018 prepared by Ashton Language in which the subject's assessment of \$53,024 was depicted with a 20.15% ownership interest in the common elements. This analysis used one sale in September 2016 for a price of \$690,000. The sold unit had 24.91% ownership interest in the common elements, so the board of review arrived at a total value for the 4-unit building of \$2,631,473. Applying the 10% Ordinance level of assessment for class 2-99 property results in a total combined assessment for the 4-units of \$263,147. Then applying the subject's ownership interest results in a total assessment of \$53,024.

Based on the foregoing evidence, the board of review requested confirmation of the subject's assessment.

No rebuttal was submitted by the appellant to refute any of the assertions by the board of review that the subject property was not owner-occupied as of the 2020 tax year.

### **Conclusion of Law**

The appellant raised a contention of law asserting that the assessment of the subject property as established by the Property Tax Appeal Board for the 2018 tax year should be carried forward to the 2020 tax year pursuant to section 16-185 of the Property Tax Code. (35 ILCS 200/16-185). When a contention of law is raised the burden of proof is a preponderance of the evidence. (See 5 ILCS 100/10-15). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted under Section 16-185.

Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) states in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

The record disclosed the Property Tax Appeal Board issued a decision reducing the subject's assessment for the 2018 tax year. The record further indicates that 2018, 2019 and 2020 are within the same general assessment period in Lake View Township. However, as to occupancy of the subject property, the Board finds the best evidence was provided by the board of review

indicating that as of the tax year at issue the subject condominium unit was not owner-occupied. More importantly, the appellant did not refute the documentary evidence concerning occupancy as depicted by the MLS and disclosure document.

Based on the record evidence, the Property Tax Appeal Board finds that the appellant failed to establish that the subject property was an owner-occupied residence as of the lien date at issue of January 1, 2020. Thus, as one of the key necessary elements for application of Section 16-185 of the Property Tax Code has not been met, the Property Tax Appeal Board finds that a reduction in the subject's assessment is not justified and no change in assessment shall issue on this record.

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.

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Chairman

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Member

Member

\_\_\_\_\_  
Member

Member

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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: \_\_\_\_\_

March 18, 2025

\_\_\_\_\_  
Clerk of the Property Tax Appeal Board

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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