



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

APPELLANT: Gary Gebis
DOCKET NO.: 20-49378.001-R-1
PARCEL NO.: 12-28-430-014-0000

The parties of record before the Property Tax Appeal Board are Gary Gebis, the appellant(s), by attorney Christopher G. Walsh, Jr., of Walsh Law, LLC 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: \$4,218
IMPR.: \$41,777
TOTAL: \$45,995

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 60-year-old, two-story, multi-family dwelling of masonry construction with 4,536 square feet of living area. Features of the building include: an unfinished full basement, and six full bathrooms. The subject sits on 7,030 square feet of land in Franklin Park, Leyden Township, Cook County. The subject is classified as a class 2-11 property under the Cook County Real Property Assessment Classification Ordinance. The appellant disclosed that the subject was not owner occupied.

The appellant's appeal is based on overvaluation and a contention of law. In support of the overvaluation argument the appellant submitted a "restricted" appraisal that estimated that the subject property had a market value of \$365,000 as of February 12, 2018. The appraisal used the sales comparison approach and income approach¹ to market value. The appraiser noted that the

¹ Appellant provided a rent roll and income/expense statement for appraiser's income approach analysis.

purpose of this appraisal was to estimate the "As Is" Market Value as of February 12, 2018, for the purpose of determining fair market value for a mortgage refinance transaction. Appraiser identified Byline Bank as one of the intended users of the appraisal.

In support of the contention of law basis of this appeal the appellant's legal brief states as follows:

This is a "rollover" appeal permitted by Section 16-185 of the Property Tax Code based on the assessment cut granted by you in Docket No 19-42209.001-R-1. Therein, the Board granted a reduction in the assessment of the subject property to 41,248 based on an appraisal and stipulation of the parties. The evidence and briefs submitted on behalf of Appellant in 19-42209.001-R-1 is incorporated by reference herein and attached hereto.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$45,995. The subject's assessment reflects a market value of \$459,950, land included, when using the Cook County Real Estate Classification Ordinance level of assessment for class 2 property of 10%. In support of its contention of the correct assessment the board of review submitted information on four comparable sales. The BOR is disputing the applicability of the rollover provision and argues the subject property was not owner-occupied nor has a homeowner's exemption been issued for the subject.

Conclusion of Law

The appellant asserted the subject qualifies for a rollover of the prior year's assessment to the instant lien year pursuant to Section 16-185 of the Property Tax Code (35 ILCS 200/16-185. "Unless otherwise provided by law or stated in the agency's rules, the standard of proof in any contested case hearing conducted under this Act by an agency shall be the preponderance of the evidence." 5 ILCS 100/10-15.

Section 16-185 of the Property Tax Code provides, in relevant 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.

As an initial matter, the Board finds that the subject property was the subject matter of an appeal for the 2019 tax year in which a decision was issued by the Property Tax Appeal Board reducing

the subject's assessment to \$41,248 and that the 2020 tax year is in the same general assessment period for Leyden Township as was the 2019 tax year.² However, the record fails to establish by a preponderance of the evidence that the subject property was an owner-occupied dwelling in 2019 or for the lien year of this appeal. To the contrary, appellant discloses that the subject was not owner occupied in 2019 and 2020. For the reduced assessment established by Property Tax Appeal Board decision to be carried forward during the same general assessment period pursuant to the mandates of section 16-185 of the Property Tax Code, the property in question must be a residence occupied by the owner. Based on this record, the Board finds the “rollover” provision provided in section 16-185 of the Property Tax Code is inapplicable and a reduction on this basis is not warranted.

The Board now turns to the appellant’s overvaluation argument. 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. *National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board*, 331 Ill.App.3d 1038 (3rd Dist. 2002); 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 based on overvaluation.

The Board finds that the “restricted appraisal” submitted by the appellant was prepared for the sole purpose of obtaining the "As Is" Market Value as of February 12, 2018, of the Fee Simple Interest for a mortgage refinance transaction rather than for identifying the fee simple interest for equitable ad valorem tax purposes. Additionally, the appraiser noted that “ It should be clearly understood that this letter constitutes a complete appraisal, in a Restricted Appraisal Report format. The purpose of this letter form report is to provide a brief description of the subject property and *to summarize the conclusions* reached in the valuation approaches used in our analysis.” The board notes that the appraiser clearly and conspicuously states that the restricted appraisal may not contain supporting rationale for all the opinions and conclusions set forth in the submitted appraisal.

The board finds that the appraisal as submitted is limited in content and intended use and it is a written statement setting forth the appraiser's conclusions, but little else. There is no explanation of its analysis of either sales comparison approach or income approach it relied on to determine market value. The submitted restricted appraisal does not list or note that any adjustments that were made to the four submitted sales comparable properties relied upon by the appraiser for differences from the subject, such as location, lot size, view, quality of construction, condition, dwelling size, room count, foundation type, finished basement area, and other amenities, to calculate adjusted sale prices. The board finds that the appraisal as submitted lacks any evidence of a thorough consideration of the characteristics of the subject property in comparison to the submitted comparable sales.

² Appellant brief states that “2020 tax year is in the same triennial assessment period for **Cook County** as was the 2019 tax year”. The Board notes that Cook County follows a triennial reassessment cycle. A subject is reassessed once every three years based on the **township** in which the subject is located, not that the subject is located in Cook County.

Additionally, the Board finds that the lien date of this appeal is January 1, 2020, while the appraisal opines as to the subject property market value as of January 1, 2018. That appraisal relied upon four sales comparable properties, two of which were sales from 2016 and 2018, more than three years removed from the lien date of this appeal. The sales dates for the additional sales listed in the appraisal were illegible and not considered by this Board in its final analysis. The suggested sales of comparable properties relied on by the appraiser were too remote in time from the January 1, 2020, assessment date of this subject. Accordingly, the Board gives no weight to the value conclusion contained in the appraisal due to its reliance on comparable sales that do not help to accurately determine the subject's market value for the lien year of this appeal. Because of this, the Board finds that the appellant did not meet their burden of proof by a preponderance of the evidence in showing that their assessment was overvalued. For all the reasons listed above the Board finds a reduction in the subject's assessment is not warranted.

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: _____

August 19, 2025



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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