



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

APPELLANT: Jim Kolke
DOCKET NO.: 21-24919.001-R-1
PARCEL NO.: 29-09-414-017-0000

The parties of record before the Property Tax Appeal Board are Jim Kolke, the appellant, by attorney Ellen G. Berkshire, of Verros Berkshire, PC in Oakbrook Terrace; 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: \$2,492
IMPR.: \$808
TOTAL: \$3,300

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 2021 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 multi-level dwelling of masonry exterior construction with 1,116 square feet of living area. The dwelling is approximately 57 years old and features a basement finished with a recreation room. The property has a 6,647 square foot site and is located in Harvey, Thornton Township, Cook County. The subject is classified as a class 2-34 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on both overvaluation and assessment equity regarding the improvement. In support of the overvaluation argument, the appellant submitted evidence disclosing the subject property was purchased on December 8, 2020 for a price of \$33,000. The appellant completed Section IV of the appeal petition disclosing the sale was not between related parties, the property sold using a realtor and was advertised for sale through the Multiple Listing Service for 36 days, and the sale was not due to foreclosure or by contract for deed. In support

the sale, the appellant submitted a copy of an unsigned settlement statement indicating payment of a realtor's commission, a Real Estate Contract signed only by the buyer, and a recorded deed to Pinnacle Property Holdings, Inc., as grantee, dated December 2, 2020.

In support of the assessment inequity argument, the appellant submitted information on four equity comparables located from 0.7 of a mile to 1.3 miles from the subject and within the same assessment neighborhood code as the subject. The comparables are improved with class 2-34 homes of masonry or frame and masonry exterior construction ranging in size from 1,448 to 1,479 square feet of living area. The dwellings range in age from 49 to 58 years old. Each home has a basement. Three comparables have central air conditioning and a 1-car or a 2-car garage. The comparables have improvement assessments ranging from \$8,767 to \$9,239 or from \$6.05 to \$6.27 per square foot of living area.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$10,404. The subject's assessment reflects a market value of \$104,040 or \$93.23 per square foot of living area, land included, when using the level of assessment for class 2 property of 10% under the Cook County Real Property Assessment Classification Ordinance. The subject has an improvement assessment of \$7,912 or \$7.09 per square foot of living area.

In support of its contention of the correct assessment the board of review submitted information on four equity comparables located on the same block or 0.25 of a mile from the subject and within the same assessment neighborhood code as the subject. The comparables are improved with multi-level, class 2-34 homes of frame and masonry exterior construction with 1,016 or 1,303 square feet of living area. The homes range in age from 23 to 44 years old. Each home has a basement finished with a recreation room, one home has central air conditioning, and two comparables have a 2-car garage. The comparables have improvement assessments ranging from \$9,253 to \$12,093 or from \$9.11 to \$9.69 per square foot of living area. The board of review disclosed the subject sold for a price of \$33,000. Based on this evidence the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellant contends in part 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 Board finds the only evidence of market value to be the purchase of the subject property in December 2020 for a price of \$33,000. The appellant provided evidence demonstrating the sale had the 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, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for 36 days. In further support of the transaction the appellant submitted copies of the sales contract and settlement statement. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review did not present any 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. Based on this record, the Board finds the subject property had a market value of \$33,000 as of January 1, 2021. Since market value has been determined the level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10% shall apply. 86 Ill.Admin.Code §1910.50(c)(2).

The appellant also contends assessment inequity as the 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 after reduction for overvaluation is not warranted.

The record contains a total of eight equity comparables for the Board's consideration. The Board gives less weight to the appellant's comparables and the board of review's comparable #2, which are located more than one mile from the subject and/or differ substantially from the subject in dwelling size and/or age.

The Board finds the best evidence of assessment equity to be the board of review's comparables #1, #3, and #4, which are more similar to the subject in dwelling size, age, location, and most features. These comparables have improvement assessments that range from \$9,253 to \$9,850 or from \$9.11 to \$9.69 per square foot of living area. The subject's improvement assessment of \$808 or \$0.72 per square foot of living area, as reduced herein for overvaluation, falls below the best comparables in this record. Based on this evidence 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 after reduction for overvaluation and a further reduction in the subject's improvement assessment for assessment inequity is not 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 20, 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

AGENCY

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