



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

APPELLANT: Phil Powell
DOCKET NO.: 21-27792.001-R-1
PARCEL NO.: 29-04-114-049-0000

The parties of record before the Property Tax Appeal Board are Phil Powell, the appellant, by attorney Joanne Elliott, of Elliott & Associates Attorneys, PLLC in Des Plaines; 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: \$1,757
IMPR.: \$14,243
TOTAL: \$16,000

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 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 3-story 6-unit apartment building of masonry exterior construction with 6,552 square feet of building area. The building is approximately 59 years old and features a crawl space foundation. The property has a 4,687 square foot site and is located in Riverdale, Thornton Township, Cook County. The subject is classified as a class 2-11 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on April 24, 2019 for a price of \$130,000. 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 24 days, and the sale was not due to foreclosure or by contract for deed. In support of the sale, the appellant submitted a copy of a settlement statement,

indicating Illinois Prince Hall, LLC was the seller, Boyd Powell Developers LLC was the buyer, the sale price was \$130,000, and realtors' commissions were paid. The appellant also submitted a listing sheet depicting a sale price of \$125,000 on April 24, 2019 and a listing price of \$115,000. The appellant indicated in the appeal petition that the subject is an owner-occupied residence but listed different addresses for the appellant and the subject property.¹

The appellant submitted a brief contending a final 2020 three year median level of assessment for class 2 properties in Cook County of 8.31% should be applied instead of the level of assessment for class 2 property of 10% under the Cook County Real Property Assessment Classification Ordinance. The appellant submitted a press release from the Illinois Department of Revenue regarding this final 2020 three year median level of assessment for class 2 property.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$10,803, which reflects 8.31% of the sale price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$16,532. The subject's assessment reflects a market value of \$165,320 or \$25.23 per square foot of building area, land included, when using the level of assessment for class 2 property of 10% under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment the board of review submitted information on one comparable sale² located within the same assessment neighborhood code as the subject and on the same block as the subject. The property has a 4,687 square foot site that is improved with a 3-story, class 2-11 building of masonry exterior construction with 6,552 square feet of building area. The building is 57 years old and features a concrete slab foundation. The comparable sold in January 2021 for a price of \$160,000 or \$24.42 per square foot of building area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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.

As an initial matter, the Board finds the appellant's proposed application of the final 2020 three year median level of assessment for class 2 property in Cook County of 8.31% to be flawed.

¹ Given the buyer described in the settlement statement is a limited liability company and the appellant indicated different addresses for the appellant and the subject property in the appeal petition, the Board finds the subject is not an owner-occupied residence as asserted by the appellant.

² The board of review submitted information on four comparables but presented sales data for only one comparable.

Section 1910.50(c)(2) of the Board's procedural rules (86 Ill. Admin. Code § 1910.50(c)(2)) provides in part:

In Cook County, for residential property of six units or less currently designated as Class 2 real estate according to the Cook County Real Property Assessment Classification Ordinance, as amended, when sufficient probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board may consider evidence of the appropriate level of assessment for property in that class.

The appellant presented a press release from the Illinois Department of Revenue regarding a final 2020 three year median level of assessment for class 2 property of 8.31%, which relates to a final multiplier for the 2020 tax year rather than 2021 tax year at issue in this appeal. Based on this record, the Board finds the use of this final 2020 multiplier is not justified.

The record contains evidence of an April 2019 sale of the subject and one comparable sale presented by the board of review. The Board gave less weight to the subject's April 2019 sale as it occurred more remote in time from the January 1, 2021 assessment date and is less likely to be indicative of market value as of that date.

The Board finds the best evidence of market value in the record to be the comparable sale submitted by the board of review. This comparable is similar to the subject in building size, location, features, age, and site size and sold proximate in time to the assessment date at issue. This comparable sold for a price of \$160,000 or \$24.42 per square foot of building area, including land. The subject's assessment reflects a market value of \$165,320 or \$25.23 per square foot of living area, including land, which is just above the best comparable sale in this record. Based on this record, the Board finds the subject's assessment is not reflective of market value and a reduction in the 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: _____

August 20, 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

Phil Powell, by attorney:
Joanne Elliott
Elliott & Associates Attorneys, PLLC
1430 Lee Street
Des Plaines, IL 60018

COUNTY

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