



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

APPELLANT: Howard Goldman
DOCKET NO.: 21-40618.001-R-1
PARCEL NO.: 14-21-311-067-1001

The parties of record before the Property Tax Appeal Board are Howard Goldman, the appellant, by attorney Abby L. Strauss, of Schiller Law P.C., 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 **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: \$21,750
IMPR.: \$32,250
TOTAL: \$54,000

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 is an individual residential unit in a mid-rise duplex condominium building of brick exterior construction that is approximately 22 years old. The subject unit contains approximately 2,730 square feet of living area, 2 ½ bathrooms, central air conditioning, two fireplaces, and parking. The subject has 50% ownership interest in the common elements of the building, a built-in garage and tandem space. The condominium building has a 2,900 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.

The appellant contends overvaluation as the basis of the appeal. In support of the overvaluation argument, the appellant submitted an appraisal of the subject residential unit prepared by Audrey Clamage, a Certified Residential Real Estate Appraiser, for a property tax appeal where the appellant's retained law firm is the client. Clamage inspected the subject on May 6, 2022 and as

part of the report, described the layout of the unit with a main floor living room, kitchen, family room and half-bath. She further described the second floor as having a master bed and bath along with two additional bedrooms. “The lower level is accessible by leaving the front door of the subject unit, walking in common area hallway to access the locked door to the basement. The basement is finished with a family room, half-bath and office. In this regard, Clamage reported functional obsolescence due to the floor plan leading to the lower level which is not accessible from the main subject unit.

Using the sales comparison approach to value, the appraiser analyzed three sales to derive an opinion of value. The comparables range in age from 25 to 112 years old and range in size from 1,800 to 2,400 square feet of living area. Each comparable presents varying features and sold from April to October 2020 for prices ranging from \$475,245 to \$510,000 or from \$204.17 to \$264.02 per square foot of living area, including land. Adjustments were made to the comparables for differences in bathroom count, dwelling size, basement, basement finish, garage and/or fireplace amenity. After adjustments were applied, the appraiser set forth adjusted sales prices for the comparables from \$507,445 to \$536,200. Based on the foregoing evidence, the appraiser concluded a market value for the subject of \$510,000 as of January 1, 2021.

Based on the foregoing evidence, the appellant requested a total assessment of \$51,000 reflective of the appraised value conclusion.

The board of review submitted its "Board of Review Notes on Appeal." The appellant provided a copy of the Final Decision issued by the Cook County Board of Review disclosing the total assessment of the subject condominium unit under appeal of \$62,000. This assessment reflects a market value of \$620,000 when applying the Cook County Real Property Assessment Classification Ordinance level of assessment for class 2-99 property of 10%.

As part of the submission, the board of review wrote, “recent appraisal price applied, upward adjustment made for difference in age, location, and building square footage of sales comparable properties within appraisal. 1 YEAR ONLY.”

In support of its contention of the correct assessment, the board of review submitted a document entitled Condominium Analysis Results for 2022 prepared by Ashton Language in which the analysis used the stated sale of the subject unit, citing its parcel identification number, with a date of January 1, 2021 and a sales price of \$540,000. Based on this data, the board of review arrived at a total value for the two-unit building of \$1,080,000. Applying the 10% Ordinance level of assessment for class 2-99 property results in a total assessment for the subject unit of \$54,000. Based on the foregoing evidence, the board of review indicated a reduction in the subject’s assessment was appropriate.

In rebuttal, counsel for the appellant asserted the question placed before the Property Tax Appeal Board is “the subject property’s fair market value.” Counsel further outlined the types of evidence necessary to prove market value, such as an appraisal of the subject, or a recent sale of the subject property. The appellant reiterated that an appraisal of the subject property was presented by the appellant with an opinion of value of \$510,000.

The rebuttal submission argues that the board of review failed to address the issue pending before the Board as to the subject's market value. The board of review "has disclosed the sales price of at least one comparable property." The argument further asserted that the sales data was insufficient as the documentation should have been of "not fewer than three recent sales." In addition, the board of review did not include information related to characteristics for purposes of analysis. Therefore, the appellant concluded that the only credible evidence in the record was the subject's appraisal.

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 rebuttal argument interpreting one of the Board's procedural rules concerning market value evidence was simply misstated. Procedural rule Sec. 1910.65(c)(4), first, this provision is not mandatory. Second, the rule provides, in pertinent part, that proof of market value **may** consist of one of four differing options, where it is *recommended* that documentation of not fewer than three recent [comparable] sales be provided.

The appellant provided an appraisal of the subject property through use of the comparable sales approach to value and the board of review presented unrefuted evidence that the subject residential condominium unit recently sold for \$540,000 in 2021.

The Board has given reduced weight to the appraisal presented by the appellant in light of the market value evidence concerning the subject property. The board of review reported a "recent sale" of the subject property that is the subject matter of this appeal. In contrast to the cited procedural rules, where there is evidence of the "recent sale" of the property on appeal, there is no expectation of the submission of other comparable sales.

The appellant in rebuttal had an opportunity to rebut the recent sale of the subject for \$540,000, but instead addressed the data as a "comparable sale." On this limited record, the Board finds the best evidence which has not been refuted is a recent sale of the subject property. The Illinois Supreme Court has held that a contemporaneous sale of the subject property between parties dealing at arm's length is relevant to the question of fair market value. People ex rel. Korzen v. Belt Ry. Co. of Chicago, 37 Ill. 2d 158, 161, 226 N.E.2d 265, 267 (1967).

Ordinarily, property is valued based on its fair cash value (also referred to as fair market value), "meaning the amount the property would bring at a voluntary sale where the owner is ready, willing, and able to sell; the buyer is ready, willing, and able to buy; and neither is under a compulsion to do so." Illini Country Club, 263 Ill. App. 3d at 418, 635 N.E.2d at 1353; see also 35 ILCS 200/9-145(a).

Given the foregoing caselaw and the clear uncontroverted evidence in this record, the Property Tax Appeal Board finds the best evidence of market value to be the 2021 sale price of the subject residential condominium unit for \$540,000. Next, when applying the 10% level of assessment in accordance with the Ordinance, the subject's assessment would be \$54,000 which is less than the subject's current 2021 total assessment of \$62,000.

Based on this evidence and after considering both parties' respective arguments, the Board finds a reduction in the subject's assessment is warranted as outlined above.

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

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

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