



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

APPELLANT: Jessie Foley
DOCKET NO.: 21-50260.001-R-1
PARCEL NO.: 10-33-323-020-0000

The parties of record before the Property Tax Appeal Board are Jessie Foley, 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 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: \$13,950
IMPR.: \$38,050
TOTAL: \$52,000

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 2-story dwelling of frame and masonry construction with 2,376 square feet of living area which is approximately 81 years old.¹ Features of the home include one full and one half-bath, a full unfinished basement, one fireplace, and a 1-car garage. The property has a 6,200 square foot site and is located in Chicago, Jefferson Township, Cook County. The subject is classified as a class 2-06 property² under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based in part on overvaluation. In support of this argument, the appellant completed Section IV - Recent Sale Data of the appeal petition disclosing the subject

¹ Some descriptive information was drawn from the evidence submitted by the board of review and not refuted by the appellant via a rebuttal submission.

² Two or more story residence, over 62 years of age, with 2,201 to 4,999 square feet or living area.

property was purchased in April 2019 for a price of \$520,000 from Kathelyn L. McManigal. The appellant disclosed the parties to the transaction were not related, the property was sold by a real estate agent from Century 21, and the property was advertised for sale for an undisclosed period of time. Furthermore, the property was not sold due to a foreclosure action, and no contract for deed was utilized in the transaction. To document the sale, the appellant submitted a copy of the executed contract for purchase and sale of the subject property confirming the sale date, sale amount, the parties, and the terms of the transaction. The board of review did not challenge any of the foregoing assertions and/or evidence, nor did the board of review present any evidence or argument challenging the arm's-length nature of the transaction.

The appellant also contends assessment inequity with respect to the improvement as the basis of the appeal. In support of this argument, the appellant submitted information on five equity comparables located within the same assessment neighborhood code as the subject property. The comparables consist of class 2-06 dwellings of masonry or frame and masonry construction ranging in size from 2,460 to 3,772 square feet of living area and ranging in age from 70 to 87 years old. Each comparable has a basement, two each finished with recreation room; three comparables have attics finished with an apartment;³ three dwellings have central air conditioning; four homes have one or two fireplaces; and each comparable has from 1-car to a 3-car garage. The comparables have improvement assessments that range from \$14,919 to \$25,634 or from \$4.72 to \$7.40 per square foot of living area. The appellant also submitted a brief along with the property information sheets from the Cook County Assessor's database for each comparable property. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment to \$13,519 and a reduction in the total assessment to \$27,469.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$59,000. The subject's assessment reflects a market value of \$590,000 or \$248.32 per square foot of living area, including land, when applying the 10% level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance. The subject property has an improvement assessment of \$45,050 or \$18.96 per square foot of living area.

In support of its contention of the correct assessment, the board of review submitted information on four comparable properties located within .25 of a mile from the subject and within the same assessment neighborhood code as the subject property. The comparables consist of class 2-06 dwellings of frame, masonry, or frame and masonry construction ranging in size from 2,238 to 2,408 square feet of living area and ranging in age from 70 to 95 years old. Each comparable features a full or partial basement, three finished with recreation rooms; one dwelling has central air conditioning; two homes have one or two fireplaces; and three comparables have a 1.5-car, a 2-car, or a 2.5-car garage. The comparables have improvement assessments that range from \$40,655 to \$64,006 or from \$18.17 to \$27.82 per square foot of living area. Two comparables sold in June and July 2019 for prices of \$699,000 and \$785,000 or for \$312.33 and \$341.16 per square foot of living area, land included, respectively. Based on this evidence, the board of

³ Although the appellant's grid disclosed that the foundations of the comparable dwellings are "unknown" and that there are no other improvements, the property information sheets submitted by the appellant disclosed that each comparable has a full basement, two finished with a recreation room and comparables #2, #3, and #5 have a finished attic.

review argued in its Notes on Appeal that taking the average sale price per square foot of living area would reflect a “potential purchase price” that exceeds the subject’s current assessment.

Conclusion of Law

The appellant contends in part that 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 best evidence of market value to be the purchase of the subject property in April 2019 for a price of \$520,000. 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 that the parties to the transaction were not related, the property was sold through a realtor, it was advertised for sale, the property was not sold due to a foreclosure action, and no contract for deed was utilized in the transaction. To document the sale, the appellant submitted a copy of the executed contract for purchase and sale of the subject property confirming the sale date, sale amount, the parties, and the terms of the transaction. The board of review did not contest any of the foregoing assertions or present any evidence to challenge the arm's-length nature of the transaction.

The Board further finds that although the sale of the subject property is somewhat dated, having occurred in 2019, the board of review presented two sales in support of the market value argument that likewise occurred in 2019. Additionally, the board of review’s two sales differ from the subject in that one lacks a garage which is a feature of the subject, and the other has a finished basement which the subject lacks. Finally, the two sales presented by the board of review do not overcome the arm’s-length sale of the subject. The Board finds the purchase price of \$520,000 is below the market value of \$590,000 as reflected by the subject’s assessment and, therefore, the Board finds a reduction in the subject’s assessment reflecting the subject’s purchase price is justified.

The taxpayer 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).

The parties submitted a total of nine equity comparables with varying degrees of similarity to the subject. After considering the assessment reduction granted to the subject property based on market value consideration, the Board finds the subject property is equitably assessed. Therefore, no further reduction in the subject's assessment is warranted based on the principles of uniformity.

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: _____

February 18, 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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