



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

APPELLANT: Frank Guercio
DOCKET NO.: 22-35905.001-R-1
PARCEL NO.: 09-18-407-012-0000

The parties of record before the Property Tax Appeal Board are Frank Guercio, the appellant(s), by attorney Dora Cornelio, 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 **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: \$4,012
IMPR.: \$26,687
TOTAL: \$30,699

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 2022 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 an approximately 89-year-old dwelling of frame and masonry construction with 1,782 square feet of living area. Features of the home include a full basement, one bathroom and a one-car garage. The property has a 5,350 square foot site and is located in Des Plaines, Maine Township, Cook County. The subject is classified as a class 2-03 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 and answered questions regarding the sale of the property in Section IV of the appeal disclosing the subject property was purchased on February 17, 2022, for a price of \$150,000. The seller is named as the trust of Therese Guercio and Michael Guercio with a trust date of June 15, 2016. The petition disclosed this sale was not a transfer between family members, that it was sold by owner, that the sale was offered on the multiple listing service for

an undisclosed period of time, and that property was not sold due to a foreclosure sale or contract for deed. The attached master settlement statement lists the purchaser Frank Guercio (the appellant), who lived at 764 E. Prairie Avenue (the subject property), and the sellers as Therese Guercio and Michael Guercio, the trustees of the trust, and residing at the same location per the attached documents. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

In support of the equity argument, the appellant also submitted a list of 11 comparables with limited information on these comparables. Of these 11 comparables, the appellant submitted detailed information on five equity comparables. These comparables have the same neighborhood code as the subject property. These are class 2-03 residences, with frame construction, are between 67 and 108 years old, have one or two bathrooms, have full basements, three comparables have central air conditioning while two do not, zero to one fireplace, no garage or a two-car garage, contain between 1,697 and 1,784 square feet of living area, and have improvement assessments between \$11.95 and \$12.41 per square foot. The appellant is requesting a total assessment of \$15,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$30,699, with an improvement assessment of \$26,687 or \$14.98 per square foot of living area. The subject's assessment reflects a market value of \$306,990 or \$172.27 per square foot of living area using the Cook County Real Estate Classification Ordinance level of assessment for class 2 properties of 10%. In support of its contention of the correct assessment the board of review submitted information on four comparables, while identifying sale information for three of these comparables. These comparables have the same neighborhood code as the subject property and are located either 0.25 miles away or in the same "subarea" as the subject property. These are one or 1.5 story residences, with frame, masonry, or frame and masonry construction, are between 68 and 106 years old, have one or two bathrooms, a full basement or a crawlspace, three comparables have central air conditioning while one does not, zero to one fireplace, have either a one-car or two-car garage, contain between 1,237 and 1,786 square feet of living area, and have improvement assessments between \$13.54 and \$23.57 per square foot. The board also identified comparable sales for comparable #1 on July 1, 2021, for \$450,000 or \$251.96 price per square foot, for comparable #3 on April 29, 2021, for \$430,000 or \$347.62 price per square foot, and for comparable #4 on January 12, 2022, for \$360,000 or \$217.13 per square foot. The board stated that comparable #2 was sold on March 28, 2022, but only reported a sales price of \$1.

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 arm's length nature and the market value of the sale the subject property on February 17, 2022, for a price of \$150,000 is called into question. The sale appears to be between family members, as the seller was a trust of two people with the same last name as the

appellant, and with the same address of the appellant, which is also the address of the subject property. The property was sold by owner, and the appellant stated that the property was listed for sale, but provided no further information, and did not state how long the property was listed. Also, the sale price of the property is significantly less than half of the sale prices of comparable properties identified by the board of review evidence. There was no evidence provided that the property was vacant or in some state of disrepair that would explain the relatively low purchase price compared to comparable properties. Illinois law requires that all real property "shall be valued at its fair cash value, estimated at the price it would bring at a fair voluntary sale." (Ill. Rev. Stat. 1971, ch. 120, par. 501.) Fair cash value is normally associated with fair market value: what the property would bring at a voluntary sale where the owner is ready, willing and able to sell but not compelled to do so and the buyer is likewise ready, willing and able to buy, but not forced to do so. (See, e.g., *People ex rel. McGaughey v. Wilson* (1937), 367 Ill. 494, 12 N.E.2d 5.). This is theoretically an objective standard of valuation; the value of particular property is set by the forces of the marketplace at a given place and time. The Property Tax Appeal Board finds the subject's lack of confirmed open market exposure and sale to an individual with the same last name as the sellers for a purchase price much lower than comparable properties fails to meet a fundamental requirement to be considered an arm's-length transaction reflective of fair cash value. The Board therefore finds appellant failed to show by a preponderance of the evidence that the subject was overvalued, a reduction in the subject's assessment is not justified.

The appellant also contends assessment inequity as the basis for a reduction. The Illinois Constitution requires that real estate taxes, "be levied uniformly by valuation ascertained as the General Assembly shall provide by law." Ill. Const. art. IX, §4 (1970); Walsh v. Property Tax Appeal Board, 181 Ill. 2d 228, 234 (1998). This uniformity provision of the Illinois Constitution does not require absolute equality in taxation, however, and it is sufficient if the taxing authority achieves a reasonable degree of uniformity. Peacock v. Property Tax Appeal Board, 339 Ill. App. 3d 1060, 1070 (4th Dist. 2003).

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); Walsh, 181 Ill. 2d at 234 (1998). Clear and convincing evidence means more than a preponderance of the evidence, but it does not need to approach the degree of proof needed for a conviction of a crime. Bazyldo v. Volant, 164 Ill. 2d 207, 213 (1995). 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 is not warranted.

The Board finds the best evidence of assessment equity to be appellant's comparables #1, #2, #3 #4, and #5 and board of review's comparables #1 and #4. As for comparables not found to be best evidence, board of review's comparable #2 was smaller than the appellant's property and has a crawlspace as opposed to a full basement when compared to the subject property. Board of review's comparable #3 was also much smaller than the subject property. The best comparables had improvement assessments that ranged from \$11.95 to \$16.17 per square foot of living area. The subject's improvement assessment of \$14.98 per square foot of living area falls within the range established by the best comparables in this record. After considering the differences

between the suggested comparables and the subject, the Board finds the subject's improvement assessment is supported. Based on this record the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment 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: _____

September 16, 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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Frank Guercio, by attorney:
Dora Cornelio
Schmidt Salzman & Moran, Ltd.
111 W. Washington St.
Suite 1300
Chicago, IL 60602

COUNTY

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