



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

APPELLANT: Elizabeth Feehan
DOCKET NO.: 22-40154.001-R-1
PARCEL NO.: 13-26-228-025-0000

The parties of record before the Property Tax Appeal Board are Elizabeth Feehan, the appellant, 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 **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: \$10,940
IMPR.: \$55,660
TOTAL: \$66,600

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 a 2-story dwelling of frame exterior construction with 1,970 square feet of living area. The dwelling is approximately 124 years old. Features of the home include a basement,¹ central air conditioning, a fireplace, and a 2-car garage. The property has an approximately 3,125 square foot site and is located in Chicago, Jefferson Township, Cook County. The subject is classified as a class 2-05 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based both on overvaluation and assessment inequity regarding the improvement. In support of the overvaluation argument, the appellant submitted evidence

¹ The appellant reported the subject has finished basement area whereas the board of review reported the subject has an unfinished basement. As the evidence indicates the subject was assessed with an unfinished basement, the Board shall consider the subject as having an unfinished basement for purposes of this 2022 tax year appeal.

disclosing the subject property was purchased in March 2022 for a price of \$660,000. 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 with the Multiple Listing Service, 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 payment of realtors' commissions.

The appellant also submitted information on five equity comparables located within the same assessment neighborhood code as the subject. The comparables are improved with 2-story, class 2-05 homes of frame exterior construction ranging in size from 1,890 to 1,970 square feet of living area. The dwellings range in age from 118 to 134 years old. Two homes have a concrete slab foundation and three homes each have a basement finished with a recreation room. Each comparable has a 1.5-car or a 2-car garage. The comparables have improvement assessments ranging from \$38,238 to \$40,944 or from \$20.23 to \$21.11 per square foot of living area.

The appellant submitted a final decision of the board of review disclosing the total assessment for the subject of \$70,040, which would reflect a market value of \$700,400 or \$355.53 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. In the appeal petition, the appellant disclosed the subject has an improvement assessment of \$59,100 or \$30.00 per square foot of living area. Based on this evidence the appellant requested a reduction in the subject's improvement assessment to \$40,128 for a total reduced assessment of \$51,068.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$70,042, which differs from the final decision of the board of review presented by the appellant. In support of its contention of the correct assessment the board of review submitted information on seven comparables located within the same assessment neighborhood code as the subject. The comparables are improved with 2-story, class 2-05 homes of frame or masonry exterior construction ranging in size from 1,832 to 2,150 square feet of living area. The dwellings range in age from 106 to 127 years old. Six homes have a basement, two of which are finished with a recreation room, and one home has a concrete slab foundation. Two homes each have central air conditioning and six comparables each have from a 1-car to a 3-car garage. The comparables have improvement assessments ranging from \$32,238 to \$73,892 or from \$17.60 to \$37.47 per square foot of living area. Comparables #1 through #4 have sites ranging in size from 3,075 to 7,012 square feet of land area and sold from January 2021 to May 2022 for prices ranging from \$790,000 to \$925,000 or from \$401.02 to \$469.43 per square foot of living area, including land.

The board of review argued the subject's sale was below market value based on the four comparable sales presented by the board of review. Based on this evidence the board of review requested the subject's assessment be sustained.

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.Adm.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.Adm.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 appellant submitted evidence of a March 2022 sale of the subject property for \$660,000 and the board of review presented four comparable sales in support of their respective positions before the Board on market value. The Board finds the best evidence of market value to be the purchase of the subject property in March 2022 for a price of \$660,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV of the appeal petition disclosing the parties to the transaction were not related, the property was sold using a realtor, and the property had been advertised on the open market with the Multiple Listing Service. In further support of the transaction the appellant submitted a copy of the 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 and further finds the board of review's comparables were insufficient to refute the contention that the purchase price was reflective of market value. The Illinois Supreme Court has ruled that a contemporaneous sale of two parties dealing at arm's-length is not only relevant to the question of fair cash value but is practically conclusive on the issue of whether an assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967).

Based on this record the Board finds the subject property had a market value of \$660,000 as of January 1, 2022. 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 taxpayer also contends assessment inequity as a 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 further reduction in the subject's assessment for assessment inequity is not warranted given the reduction issued for overvaluation.

The record contains a total of twelve equity comparables for the Board's consideration. The Board gives less weight to the appellant's comparables #1 and #2 and the board of review's comparables #2 and #3, due to substantial differences from the subject in foundation type or garage amenity. The Board gives less weight to the board of review's comparables #1 and #7, which each have a considerably lower or higher improvement assessment than the other comparables in this record, indicating these properties may be outliers.

The Board finds the best evidence of assessment equity to be the appellant's comparables #3, #4, and #5 and the board of review's comparables #4, #5, and #6, which are more similar to the subject in dwelling size, age, location, and some features, although five of these comparables lack central air conditioning that is a feature of the subject, suggesting upward adjustments to

these comparables would be needed to make them more equivalent to the subject. Moreover, five comparables have finished basement area unlike the subject, suggesting downward adjustments to these comparables for this feature would be needed to make them more equivalent to the subject. These most similar comparables have improvement assessments that range from \$40,129 to \$64,933 or from \$20.37 to \$30.96 per square foot of living area. The subject's revised improvement assessment of \$55,660 or \$28.25 per square foot of living area falls within the range established by 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 no further reduction is warranted on equity grounds.

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: _____

January 21, 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

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