



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

APPELLANT: Samuel Puglise-Kipley
DOCKET NO.: 19-22471.001-R-1
PARCEL NO.: 05-34-112-016-0000

The parties of record before the Property Tax Appeal Board are Samuel Puglise-Kipley, the appellant(s), 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: \$24,410
IMPR.: \$37,960
TOTAL: \$62,370

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

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 2019 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 12,205 square foot parcel of land improved with a 138-year-old, 2-story, frame, multi-family dwelling, containing 2,553 square feet of living area. The property is located in Wilmette, New Trier Township, Cook County and is a class 2-11 property under the Cook County Real Property Assessment Classification Ordinance.

Appellant contends overvaluation and contention of law as the bases of the appeal. In support of its overvaluation argument, appellant submitted evidence disclosing the subject property was purchased on May 28, 2019, for a price of \$623,700. In Section IV of its appeal form, appellant indicates the parties to the transaction were not related, and the subject property was sold using a realtor with Redfin Corp. Appellant also indicates in Section IV that the property was advertised for sale with the multiple listing service. Appellant submitted copies of an Income and Operating Agreement, a Vacancy/Occupancy Affidavit, and the ALTA Settlement Statement. In

addition, appellant submitted a copy of the board of review's written decision reflecting the subject property was assessed at \$71,185. Appellant argued that the subject was vacant from the date of purchase in May 2019 until September 2019 and requested a 25% occupancy factor be allowed for a total revised assessment of \$33,900.

The board of review submitted its "Board of Review Notes on Appeal" depicting a total assessed valuation of \$71,185, with an improvement assessment of \$46,775, or \$18.32 per square feet of living area. The subject's assessment reflects a market value of \$711,850, or \$278.83 per square foot of living area, including land, when applying the level of assessment for class 2 property of 10.00% 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 four comparable properties. Each of the board of review's comparables were improved with a two-story, multi-family dwelling of either frame or stucco construction. They ranged in size between 2,160 and 3,092 square feet of living area and sold between June 2017 and July 2018 for prices ranging between \$233.64 and \$347.22 per square foot of living area, including land. In addition, the board of review included information in its grid analysis indicating the subject property sold in June 2019 for \$623,700, or \$244.30 per square foot of living area, including land.

Conclusion of Law

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.

The Board finds the best evidence of market value to be the purchase of the subject property in May of 2019 for a price of \$623,700. 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 the parties to the transaction were not related and the subject property was sold using a realtor with Redfin Corp. Appellant also indicates in Section IV that the property was advertised for sale with the multiple listing service. Appellant submitted copies of an Income and Operating Agreement, a Vacancy/Occupancy Affidavit, and the ALTA Settlement Statement.

However, the Board gives little weight to the appellant's argument that the subject should receive a reduction based on the vacancy of the property from May 2019 until the date of the September 2019.

Section 9-180 of the Property Tax Code (35 ILCS 200/9-180) provides in part:

The owner of property on January 1 also shall be liable, on a proportionate basis, for the increased taxes occasioned by the construction of new or added buildings, structures or other improvements on the property from the date when the occupancy permit was issued or from the date the new or added improvement was

inhabitable and fit for occupancy or for intended customary use to December 31 of that year.

The Board further finds the appellant failed to show the subject was not inhabitable or unfit for occupancy during this time. The Board finds, based on the real estate broker fees within the settlement statement, that the subject was advertised for sale. By advertising the sale, the appellant indicated the subject was fit for occupancy or for its intended customary use prior to the closing date. The fact that the property was vacant at the time of sale, establishes its fee simple value which is an accurate reflection of the subject's market value.

Based on this record, the Board finds the subject property had a market value of \$623,700 as of the lien year at issue in the instant appeal. Since market value has been determined the median level of assessments 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).

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 19, 2023



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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