



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

APPELLANT: Erik Kaplan
DOCKET NO.: 19-22476.001-R-1
PARCEL NO.: 05-17-302-020-0000

The parties of record before the Property Tax Appeal Board are Erik Kaplan, 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: \$28,687
IMPR.: \$31,813
TOTAL: \$60,500

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 113-year-old, two-story, single-family dwelling of frame construction with 2,069 square feet of living area. The property has a 12,750 square foot site located in Winnetka, New Trier Township, Cook County. The subject is classified as a class 2-05 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 market value argument, appellant completed Section IV – Recent Sale Data in its Residential Appeal Form indicating the subject property was purchased on December 5, 2018, for \$605,000 and the sale did not occur between family members. The subject property was sold using a realtor and was advertised for sale with the multiple listing service. In addition, appellant submitted a copy of a Target Property Detail Report – Cook County for the subject property reflecting a warranty deed in the amount of \$605,000 with a sale date of December 10, 2018.

Appellant also submitted a copy of the board of review's written decision reflecting a final assessment for the subject property of \$70,746. Based on this evidence, appellant requested a reduction in the subject's assessment to \$60,500. No brief was submitted addressing the contention of law argument.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$70,746 and an improvement assessment of \$42,059. The assessment reflects a market value of \$707,460, or \$341.93 per square foot of living area, including land. In support of its contention of the correct assessment, the board of review submitted information on three suggested comparables. Each were improved with a two-story residence of either masonry or stucco construction. They ranged in living area square footage between 1,225 and 1,685 and sold between 2018 and 2019 for amounts ranging from \$785,000 to \$10,000,000, or from \$465.88 to \$8,163.27 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 on December 10, 2018, for \$605,000, or \$292.41 per square foot of living area, including land.

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 best evidence of market value to be the purchase of the subject property in December of 2018, for \$605,000. Appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. Appellant completed Section IV – Recent Sale Data in its Residential Appeal Form Form indicating the subject property was purchased on December 5, 2018, for \$605,000 and the sale did not occur between family members. The subject property was sold using a realtor and was advertised for sale with the multiple listing service. In addition, appellant submitted a copy of a Target Property Detail Report – Cook County for the subject property reflecting a warranty deed in the amount of \$605,000 with a sale date of December 10, 2018. 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 included information in its grid analysis indicating the subject property sold for \$605,000 in December of 2018. Based on this record, the Board finds the subject property had a market value of \$605,000 as of January 1, 2019. Since market value has been determined the 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). A reduction in the subject's assessment commensurate with the sale price is appropriate.

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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