



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

APPELLANT: Todd Mitchell
DOCKET NO.: 06-22579.001-R-1
PARCEL NO.: 14-28-315-038-0000

The parties of record before the Property Tax Appeal Board are Todd Mitchell, the appellant, by attorney Thomas J. McNulty of Neal, Gerber & Eisenberg in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented, 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: \$ 33,203
IMPR.: \$ 191,796
TOTAL: \$ 224,999**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story, single-family dwelling with 3,436 square feet of living area. The subject has masonry exterior construction, a full, finished basement, central air conditioning, and a two-car detached garage. The dwelling is 123 years old and is located in Chicago, Lake View Township, Cook County. The property is classified as a class 2-06 residential property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation based on a recent sale of the subject property. In support of this argument, the appellant completed Section IV of the Residential Appeal form indicating the subject property was purchased on a contract for deed in March 2004 for a price of \$2,250,000 or \$654.83 per square foot of living area, land included. To further document the sale, the appellant submitted a copy of the warranty deed indicating that the state real estate transfer taxes had been paid. The appellant's counsel requested that the appellant's assessment be reduced to \$171,225.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$224,999 was disclosed. The subject's assessment reflects a

market value of \$2,223,310 using the 2006 three year average median level of assessments for class 2 property of 10.12% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.59(c)(2)).

In support of the assessment, the board of review provided information on a comparable property to demonstrate the subject was being equitably assessed. The comparable is a two-story masonry dwelling located on the same block as the subject property. The dwelling is 123 years old and contains 2,977 square feet of living area. Features include a full finished basement, central air conditioning, a fireplace, and a two-car garage. The comparable property had a total assessment of \$264,050 and an improvement assessment of \$233,332 or \$78.38 per square foot of living area. The subject has an improvement assessment of \$191,796 or \$55.82 per square foot of living area. As part of its evidence, the board of review also disclosed that the subject property sold in March 2004 for \$2,250,000. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Board finds it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds the evidence in the record does not support a reduction in the subject's assessment.

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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). Proof of market value may consist of an appraisal of the subject property, a recent sale of the subject property or comparable sales. (86 Ill.Admin.Code 1910.65(c)). A contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). After an analysis of the evidence in the record, the Board finds the appellant has not met this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the best evidence of market value in the record is the sale of the subject property in March 2004 for a price of \$2,250,000. The subject has a total assessment of \$224,999, which reflects a market value of \$2,223,310 when using the 2006 three year average median level of for class 2 property of 10.12% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.59(c)(2)). The subject's assessment reflects a market value below the purchase price. Based on this record the Board finds a reduction in the subject's assessment is not warranted.

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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

Shawn R. Lerbis

Member

DISSENTING: _____

C E R T I F I C A T I O N

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: May 20, 2011

Allen Castrovillari

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 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 the subsequent year 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.

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.