



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

APPELLANT: Aaron Weinstein
DOCKET NO.: 09-21386.001-R-1
PARCEL NO.: 14-29-410-009-0000

The parties of record before the Property Tax Appeal Board are Aaron Weinstein, the appellant, by attorney Brian S. Maher of Weis, DuBrock, Doody & Maher 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: \$ 20,000
IMPR.: \$ 122,077
TOTAL: \$ 142,077

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 2009 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 is improved with two multi-family dwellings. The first building consists of a two-story structure of frame and masonry construction with 4,153 square feet of living area. This building is approximately 22 years old. Features include two units, a partial unfinished basement and central air conditioning. The second building on the site

consists of a two-story structure of frame construction with 4,203 square feet of living area. The building is approximately 131 years old.¹ Features include four units and a partial unfinished basement. The property has a 3,125 square foot site and is located in Chicago, Lake View Township, Cook County.

The appellant, through counsel, contends in part overvaluation. With respect to this argument the appellant stated on Section IV - Recent Sale Date of the appeal the property was purchased from Herbierto Galindo in May 2005 for a price of \$875,000. No other information was provided on Section IV. The appellant's counsel asserted in a letter submitted with the appeal that a copy of the purchase contract, closing statement, Illinois Real Estate Transfer Declaration and the Cook County Real Estate Transfer Declaration were attached, however, no documents were in the record.

The appellant, through counsel, also contends assessment inequity with respect to the improvement assessment as the basis of the appeal. The appellant completed Section V of the petition in which the subject's entire improvement assessment was attributed to the multi-family building with 4,153 square feet of building area. The appellant did not provide any descriptive data with respect to the second building on the site nor did the appellant have a separate equity comparison analysis for this building. In support of the assessment inequity argument the appellant submitted information on four equity comparables that had improvement assessments that ranged from \$13.65 to \$15.40 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$142,077. The board of review indicated the first building on the site with 4,153 square feet of living area had an improvement assessment of \$62,378 or \$15.02 per square foot of living area. The second multi-family dwelling on the site with 4,203 square feet had improvement assessment of \$59,699 or \$14.20 per square foot of living area. The board of review provided copies of the subject's property characteristic sheets which supported its description of the subject property. In support of its contention of the correct assessment the board of review submitted information on the four equity comparables for each of the respective buildings.

Conclusion of Law

¹ The age of each building was taken from the property characteristic sheets of the subject property submitted by the board of review.

The appellant, in part, argued overvaluation. 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted on this basis.

The Board finds the evidence presented by the appellant indicated the subject property sold in May 2005, nearly four years prior to the assessment date at issue, for a price of \$875,000. Initially, the Board finds the sale was not proximate in time to the assessment date at issue. Second, the appellant presented no evidence demonstrating the sale had the elements of an arm's length transaction. The appellant did not complete Section IV - Recent Sale Data of the appeal disclosing whether or not the parties to the transaction were related, whether or not the property was sold using a Realtor, whether or not the property had been advertised on the open market and there was no information as to how long the property had been exposed on the open market. Furthermore, the Board finds the record did contain a copy of the sales contract, closing statement, the PTAX-203 Illinois Real Estate Transfer Declaration and/or the Cook County Real Estate Transfer Declaration. Based on this record the Board finds the appellant did not satisfy the burden of going forward to challenge the subject's assessment based on a market value contention.

The taxpayer contends assessment inequity as the 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 reduction in the subject's assessment is not warranted on this basis.

The Board gives little weight to the appellant's assessment equity analysis. The evidence disclosed the subject property is

improved with two multi-family buildings. The appellant, however, incorrectly described the property as being improved with one building and attributed the entire improvement assessment to the two-story multi-family dwelling with 4,153 square feet of living area.

With respect to the 4,153 square foot two-story multi-family dwelling on the site, the Board finds the record had eight comparables submitted by the parties with varying degrees of similarity to the subject building. These properties had improvement assessments ranging of \$13.65 and \$17.11 per square foot of living area. The subject's 4,153 square foot two-story multi-family dwelling had an improvement assessment of \$15.02 per square foot of living area, which is within the range established by the comparables in this record.

With respect to the second multi-family building on the site with 4,203 square feet of living area, the appellant presented no equity comparables to specifically challenge the improvement assessment on this building. The Board finds the four comparables submitted by the board of review were relatively similar to this building. These properties had improvement assessments ranging from \$15.90 to \$17.11 per square foot of living area. The subject's two-story multi-family dwelling with 4,203 square feet of living area had an improvement assessment of \$14.20 per square foot of living area, which is below the range established by the these comparables.

In conclusion, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's multi-family dwellings were 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Tracy A. Huff

Member

Mario Morris

Member

J. R.

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: August 22, 2014

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.