



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

APPELLANT: Todd V. Telander  
DOCKET NO.: 09-29538.001-R-1  
PARCEL NO.: 24-10-300-061-0000

The parties of record before the Property Tax Appeal Board are Todd V. Telander, the appellant, by attorney John P. Fitzgerald, of Fitzgerald Law Group, P.C. 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:** \$ 42,331  
**IMPR.:** \$105,991  
**TOTAL:** \$148,322

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 consists of two separate residential apartment buildings, each a 40 year-old, two-story dwelling of masonry construction containing 11,214 square feet of living area, for a total of 22,428 square feet of living area for both

buildings. The property has a 31,126 square foot site and is located in Worth Township, Cook County. The property is a class 3-15 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal estimating the subject property had a market value of \$840,000 as of January 1, 2008. The appraisal report disclosed the subject property was sold to the appellant in September 2007 for \$1,690,000, but that it was reported to the appraiser by the appellant that the sale was not an arm's-length transaction. As a result, the appraiser opined that the sale was not indicative of the market value of the subject property.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$148,322. The subject's assessment reflects a market value of \$927,013 or \$41.33 per square foot of living area including land for both buildings, when using the board of review's indicated size of 22,428 square feet and when applying the 2009 level of assessment of 16% for class 3-15 property under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment, the board of review submitted descriptive and assessment data on five suggested unadjusted sale comparables. The board of review also submitted a brief disclosing the 2007 sale of the subject for \$1,690,000, and copies of the PTAX-203 and PTAX-203-A transfer declarations disclosing the same. The PTAX-203 contained a checklist in which the purchaser/appellant, or its agent, verified the property was advertised for sale. The PTAX-203-A contained a checklist on which the purchaser/appellant, or its agent, verified the net consideration for the property was a fair reflection of the market value on the sale date.

#### **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 thoroughly considered the parties' evidence. The Board gives diminished weight to the appraisal

because it lacked the appraiser's explanation why the subject's sale was not given any weight in establishing the subject's market value. Further, the appraisal report lacked independent confirmation of the statement by the purchaser/appellant that the September 2007 sale was not at arm's length. The appellant did not submit evidence to explain the discrepancy between his verified statement the sale was a fair reflection of the market value and the appraiser's report that the appellant told him the sale was not at arm's length. Therefore, the Board finds the appellant did not meet the burden of proof by a preponderance of the evidence and 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.

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Chairman



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Member



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Member

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Member



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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 22, 2015



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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.