



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

APPELLANT: Robert C. Kimmeth
DOCKET NO.: 10-21991.001-R-1
PARCEL NO.: 14-30-221-004-0000

The parties of record before the Property Tax Appeal Board are Robert C. Kimmeth, the appellant, by attorney Leonard Schiller of Schiller Klein PC in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented, 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: \$15,000
IMPR.: \$45,000
TOTAL: \$60,000**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a three-story masonry constructed apartment building with approximately 3,360 square feet of gross building area. The building is approximately 13 years old. Features of the building include a full partially finished basement. The property has a 3,125 square foot site and is located in Chicago, Lake View Township, Cook County. The property is classified as a class 2-11 apartment building under the Cook County Real Property Assessment Classification Ordinance with a level of assessment of 10% of market value.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. In support of this overvaluation argument the appellant submitted an appraisal estimating the subject property had a market value of \$580,000 as of January 1, 2009. The appraisal contained only

the sales comparison approach to value in which five comparable sales were utilized. The comparables were improved with three-story masonry constructed apartment buildings ranging in size from 3,213 to 5,019 square feet of building area. The buildings were constructed from 1899 to 1924 and each had three units. The sales occurred from March 2008 to January 2009 for prices ranging from \$450,000 to \$600,000 or from \$150,000 to \$200,000 per unit and from \$89.66 to \$182.07 per square foot of building area, including land. The appellant also submitted a copy of the final decision issued by the Cook County Board of Review establishing a total assessment for the subject of \$78,225, which reflects a market value of approximately \$782,250 or \$260,750 per unit and \$232.81 per square foot of building area, land included, using the Cook County Real Property Assessment Classification Ordinance level of assessments for class 2-11 property of 10%. Based on this evidence the appellant requested the subject's assessment be reduced to \$51,852 when applying the 2010 three year average median level of assessments for class 2 property of 8.94% as determined by the Illinois Department of Revenue to the appraised value.

The board of review did not timely submit its "Board of Review Notes on Appeal" or any evidence in support of its assessed valuation of the subject property.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds the evidence in the record supports 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); 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 only evidence of market value timely submitted in this record is the appraisal submitted by the appellant estimating the subject property had a market value of \$580,000 as of January 1, 2009. The appraisal contained

information on five comparable sales that were all significantly older than the subject property. The sales occurred from March 2008 to January 2009 for prices ranging from \$450,000 to \$600,000 or from \$150,000 to \$200,000 per unit or from \$89.66 to \$182.07 per square foot of building area, including land. The Board finds the subject's assessment reflects a market value greater than the appraised value and above the range established by the comparable sales. The board of review did not timely submit any evidence in support of its assessment of the subject property or to refute the appellant's argument as required by section 1910.40(a) of the rules of the Property Tax Appeal Board and is found to be in default pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.40(a) & §1910.69(a). Based on this record the Property Tax Appeal Board finds a reduction in the subject's assessment is 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: October 24, 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.