



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

APPELLANT: Jack Emery  
DOCKET NO.: 10-33628.001-R-1  
PARCEL NO.: 14-31-201-020-0000

The parties of record before the Property Tax Appeal Board are Jack Emery, the appellant(s), 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:** \$ 28,125  
**IMPR.:** \$ 79,155  
**TOTAL:** \$ 107,280

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 2010 tax year. The Property Tax Appeal Board (the "Board") finds that it has jurisdiction over the parties and the subject matter of the appeal.

**Findings of Fact**

The subject consists of a three-story dwelling of masonry construction with 8,000 square feet of living area. The dwelling is 111 years old. Features of the home include four and one-half baths, a partial unfinished basement, and central

air conditioning. The property has a 3,750 square foot site, and is located in North Chicago Township, Cook County. The subject is classified as a class 2-12 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, 2009. Additionally, the appraiser indicated the subject was purchased in August of 2007 for \$1,200,000 but the owner likely paid a premium for the building as he was expanding his business. No further evidence of overpayment was provided. Furthermore, the appellant included an affidavit indicating the commercial space was vacant from 2007 through December 2010, and leased in January 2011. This is in contraindication to the appraiser's statement that the appellant paid a premium for the subject in order to occupy the commercial space to expand his business.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$118,346. The subject's assessment reflects a market value of \$1,323,781, or \$165.47 per square foot of living area, including land, when applying the 2010 three year average median level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 8.94% as determined by the Illinois Department of Revenue. In support of its contention of the correct assessment, the board of review submitted information on two equity comparables and two sales comparables. The board of review also submitted evidence disclosing the subject property was purchased on August 1, 2007 for a price of \$1,200,000.

In rebuttal, the appellant argued that the board of review failed to address the appellant's market value argument, and that the sales comparables were unadjusted.

#### **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 appellant did meet this burden

of proof and a reduction in the subject's assessment is warranted.

The Board does not find the appraisal submitted by the appellant persuasive as it did not adequately address the subject's sale that occurred 16 months prior to the valuation date of the appraisal. This sale price was confirmed not only in the appellant's appraisal, but in the board of review's evidence as well, with no evidence that a premium was paid for the subject property. Therefore, the Board finds the sale of the subject to be the best evidence of its market value as of January 1, 2010. Additionally, the appellant's vacancy affidavit contradicted the statement contained in the appellant's appraisal, and thus was given no weight. Based on this record the Board finds the subject property had a market value of \$1,200,000 as of January 1, 2010. Since market value has been determined the 2010 three year average median level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 8.94% shall apply. 86 Ill.Admin.Code §1910.50(c)(2).

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

*Frank A. Huff*

Member

*Mario Morris*

Member

*JR*

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: January 23, 2015

*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.