



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

APPELLANT: Bogdan Kowalski
DOCKET NO.: 09-26178.001-R-1
PARCEL NO.: 13-30-135-021-0000

The parties of record before the Property Tax Appeal Board are Bogdan Kowalski, the appellant, by attorney Arnold G. Siegel, of Siegel & Callahan, 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: \$ 5,775
IMPR.: \$30,264
TOTAL: \$36,039

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 44 years old, and consists of a two-story dwelling of frame construction containing 2,630 square feet of living area. Features of the home include a one-car

garage. The property has a 4,125 square foot site and is located in Jefferson Township, Cook County. The subject is classified as a class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted evidence disclosing the subject property was purchased on November 13, 2009 for a price of \$247,500, or \$94.11 per square foot of living area including land. The appellant also submitted: 1) a residential real estate contract to purchase the subject for all cash and in an "as is" condition; 2) a Settlement Statement dated November 13, 2009 disclosing the seller was Deutsche Bank National Trust Company; 3) a Special Warranty Deed from Deutsche Bank National Trust to the appellant; and 4) a property information print-out on the subject property from Win2Data.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$36,039. The subject's assessment reflects a market value of \$404,933 or \$153.97 per square foot of living area, when using the board of review's indicated size of 2,630 square feet and when using the 2009 three-year median level of assessment of 8.90% for class 2 property as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted information on the August 1, 2006 sale of the subject for \$605,000, or \$230.04 per square foot of living area including land, four suggested equity comparables, and one sale comparable. The sale comparable sold in January 2006 for \$484,500, or \$193.57 per square foot of living area including land.

Attached to the board of review's Notes on Appeal was a print-out from the Cook County Recorder of Deeds website disclosing: 1) a *lis pendens* notice was recorded on the subject on September 4, 2008; 2) Judicial Sales Corporation granted title to IndyMac Federal Bank on July 14, 2009; and 3) Deutsche Bank National Trust granted title to the appellant on December 30, 2009.

In rebuttal, the appellant reaffirmed the argument that the purchase was at arm's-length and that a broker's commission was paid.

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 has not met this burden of proof and a reduction in the subject's assessment is not warranted.

In addressing the appellant's market value argument, the Board finds that the sale of the subject in November, 2009 for \$247,500 is a "compulsory sale." A "compulsory sale" is defined as:

(i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete.

35 ILCS 200/1-23. Real property in Illinois must be assessed at its fair cash value, which can only be estimated absent any compulsion on either party.

Illinois law requires that all real property be valued at its fair cash value, estimated at the price it would bring at a fair voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is likewise ready, willing, and able to buy, but is not forced to do so.

Bd. of Educ. of Meridian Cmty. Unit Sch. Dist. No. 223 v. Ill. Prop. Tax Appeal Bd., 961 N.E. 2d 794, 802 (2d Dist. 2011) (citing Chrysler Corp. v. Ill. Prop. Tax Appeal Bd., 69 Ill. App. 3d 207, 211 (2d Dist. 1979)).

However, when there is a recent sale of the subject, and that sale is a compulsory sale, the Board may consider evidence which

would show whether the sale price was representative of the subject's fair cash value. Calumet Transfer, 401 Ill. App. 3d at 655-56. The appellant's evidence did not dispute that the sale was pursuant to a short sale and therefore, a compulsory sale. In this case, the appellant did not submit additional sale comparables to show that the sale of the subject in November, 2009 for \$247,500, or \$94.11 per square foot of living area including land, was at its fair cash value. However, the board of review submitted information on the August 1, 2006 sale of the subject for \$605,000 and one sale comparable from January 2006 for \$484,500, or \$230.04 and \$193.57 per square foot of living area including land, respectively. The subject's assessment reflects a market value of \$404,933 or \$153.97 per square foot of living area including land, which is below the subject's 2006 sale and the one sale comparable provided by the board of review.

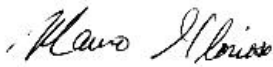
Since there is no supporting evidence that the sale price of the subject was at its fair cash value, the Board finds that the subject is not overvalued and holds that a reduction is not warranted.

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.

Chairman



Member



Member

Member



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



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.