



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

APPELLANT: R. Doug Swartz  
DOCKET NO.: 09-31157.001-R-1  
PARCEL NO.: 32-05-403-004-0000

The parties of record before the Property Tax Appeal Board are R. Doug Swartz, the appellant; 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:** \$ 2,961  
**IMPR.:** \$ 21,858  
**TOTAL:** \$ 24,819

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 a 44-year old, two-story, single-family dwelling with 2,500 square feet of living area with a frame and masonry exterior construction. Features of the home include a partial basement, three baths, and a two-car garage. The property has an 8,460 square foot site and is located in Bloom Township, Cook County. The subject is

classified as a class 2, residential property under the Cook County Real Property Assessment Classification Ordinance.

Procedurally, the Board notes that the appellant filed a pro se appeal in this matter listing a different appellant mailing address than that of the subject property. Thereafter, the Board received a motion to substitute attorneys on RMR Property Tax Solutions letterhead which was signed solely by Ron Justin, while listing the same address that was listed by the appellant. Without a signature from the taxpayer, the Board mailed copies of the hearing notice to both the consultant corporation as well as the appellant at the subject property's address. The notices were dated and mailed on May 5, 2015. Neither mailing was returned to the Board as undeliverable. This appeal was scheduled for hearing on July 1, 2015. On the hearing date, attorney Ron Justin appeared verbally indicating that he was representing the appellant. However, when the Board requested a copy of the appellant's retainer signed by the appellant of Mr. Justin, he indicated that he did not have that at the hearing. Moreover, attorney Justin stated that he had left his prior agency's affiliation where his office had been previously located.

In response, the board of review's representative moved for a dismissal of this appeal due to the absence of proper representation on the scheduled hearing date. The Board denied the board of review's motion for dismissal, while leaving the record open for 24 hours in order for Mr. Justin to submit a copy of a retainer or an appearance form with the appellant's signature thereon reflecting that Mr. Justin was hired to represent this appellant in this proceeding. The Board stated that this was especially relevant due to attorney Justin's verbal statement that he separated from a prior agency's affiliation and a total absence of the appellant's signature on any document actually hiring attorney Justin.

Procedurally, the hearing continued with this proviso wherein Mr. Justin did not call the preparer of the evidence as a witness in this proceeding. Thereafter, there was no submission from Mr. Justin within the allocated time period or prior to the rendering of this Board decision. Therefore, the Board will render a decision based upon the evidence in the record.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant completed certain portions of Section IV of the petition and submitted a copy of a real estate multiple-listing sheet relating to the subject. The

data on the petition indicated that the subject was purchased on September 9, 2008 for a price of \$120,000. The seller was identified as "OOR". The data also indicated that the sale was not a transfer between related parties; that the property was advertised on the open market for 183 days; and that the seller's mortgage was not assumed. The form's question regarding whether the property was sold in settlement of an installment contract, a contract for deed or in lieu of foreclosure was left unanswered. In addition, the copy of the multiple-listing sheet indicated that the list price was \$183,900 with a selling price of "\$120,000(S)". The listing time was identified as 183 days with a repeated remark that the property was a short sale. The owner was identified as "owner of record", while the printout stated that the "information was not guaranteed". 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 \$24,819. The subject's assessment reflects a market value of \$278,865 or \$111.55 per square foot of living area, land included, when using the 2009 three year average median level of assessments for class 2 property of 8.90% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted descriptive and assessment information on four suggested equity comparables. Copies of the property characteristic printouts for each property were also submitted. In addition, the evidence also included a one-page printout for class 03 properties that were medium size, cottages or bungalows within the subject's neighborhood. These 16 properties sold from 1991 to 2010 for prices that ranged from \$112,000 to \$250,000.

Further, the subject's property characteristic printouts reflect that the taxpayer is R. Doug Schwartz with an address on 18035 S. Kedzie Avenue in Homewood, while the subject's location is 18848 May Street in Homewood, Illinois.

#### **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 not meet this burden of proof and a reduction in the subject's assessment is not warranted.

In determining the fair market value of the subject property, the Board looks to the evidence presented by the parties. The Board finds that the appellant's data on the subject's sale inconclusive. The appellant failed to disclose data or submitted conflicting data pertinent to a finding that the sale was an arm's length transaction. Specifically, the appellant failed to submit clear evidence indicating who the seller was and whether the parties were related. The only disclosure of the seller is references to the "OOR" or to "owner of record". Further on this point, the multiple listing sheet submitted by the appellant indicated that the property at the time of sale was a short sale. In contrast, the appellant's petition failed to disclose whether the sale was in lieu of foreclosure. Moreover, the Board finds that the property was only on the market for a limited number of days, 183 days, which may not have been long enough to reflect market activity.

Moreover as to the subject's market value, the Board finds that the subject's sale appears to be a compulsory sale pursuant to the appellant's evidence submissions.

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.

Board of Educ. of Meridian Community Unit School Dist. No. 223 v. Illinois Property Tax Appeal Board, 961 N.E.2d 794, 802, 356 Ill.Dec. 405, 413 (2d Dist. 2011) (citing Chrysler Corp. v. Illinois Property Tax Appeal Board, 69 Ill.App.3d 207, 211, 387 N.E.2d 351 (2d Dist. 1979)).

However, the Illinois General Assembly recently provided very clear guidance for the Board with regards to compulsory sales. Section 16-183 of the Illinois Property Tax Code states as follows:

The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.

35 ILCS 200/16-183. Therefore, the Board is statutorily required to consider the compulsory sales of comparable properties. The Board shall consider the suggested sales submitted by board of review in this case for the appellant failed to submit any sales data to support that the subject's sale was at market.

In totality, the board of review submitted unadjusted data on a total of 16 sales. The Board finds four sales most recent to the assessment date at issue as relevant. They sold from March, 2005, to February, 2010, for prices that ranged from \$201,000 to \$250,000. In comparison, the subject property's current assessment reflects a market value of \$278,865 which is above the range established by the sale comparables. After making adjustments to the sale comparables, the Board finds that the current market value is supported by the evidence and that no assessment reduction is warranted.

*Assuming arguendo* that the subject's compulsory sale was an arm's length transaction, the Board finds that after applying adjustments for the differences in the comparables when compared to the subject, that the subject's sale price is below the range of the sale comparables and is not an accurate reflection of the 2009 market and that a reduction is not warranted to this property.



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

*K. L. Fan*

*Mario Alvarez*

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Member

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Member

*JR*

*Jerry White*

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Member

\_\_\_\_\_  
Acting Member

*Robert Steffen*

\_\_\_\_\_  
Acting 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: December 18, 2015

*A. Proctor*

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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.