



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

APPELLANT: Tam Huynh
DOCKET NO.: 09-35200.001-R-1
PARCEL NO.: 20-20-423-001-0000

The parties of record before the Property Tax Appeal Board are Tam Huynh, the appellant(s), by attorney James E. Doherty, of Thomas M. Tully & Associates 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: \$3,810
IMPR.: \$8,299
TOTAL: \$12,109**

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 4,142 square foot parcel of land improved with a 97-year old, two-story, masonry, commercial/residential building. The property is located in Lake Township, Cook County. The subject is classified as a

class 3-18 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 in December 2009 for a price of \$90,000 at a judicial sale.

The appellant argues a further reduction due to the vacancy of the subject in 2008 and 2009. To support this, the appellant included copies of vacancy affidavits for 2008 and 2009 attesting to the subject's vacancy and an indecipherable court order. The appellant also included undated, black and white photographs of the subject. Finally, the appellant argues the subject is misclassified as a 3-18 and should be assessed as a class 2-12 property. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$12,109. The subject's assessment reflects a market value of \$75,681 using the Cook County Ordinance 2009 level of assessment for class 3 property of 16%.

In support of its contention of the correct assessment the board of review submitted evidence on five sales comparables.

Conclusion of Law

As to the subject's classification, the Board finds the appellant submitted sufficient evidence to show that the subject should be classified as a 2-12, mixed use commercial/residential building with apartment and commercial area totaling 6 units or less with a square foot area less than 20,000 square feet, any age. This classification yields a market value of \$136,056 or \$20.72 per square foot of building area when using the Illinois Department of Revenue's 2009 three-year median level of assessment for Cook County class 2 property of 8.90%.

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).

In addressing the appellant's market value argument, the Board finds that the sale of the subject in December 2005 was 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.

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 compulsory sales of comparable properties.

In considering the compulsory sale of the subject property the Board looks to both the appellant's evidence and the board of review's comparables. These properties sold for prices ranging from \$71.21 to \$144.81 per square foot of building area. In comparison, the subject sold for \$13.71; this sale is below the range established by the market. Therefore, the Board finds the subject's sale is not reflective of the market value. Conversely, the subject's assessment reflects a market value of \$20.72 per square foot of building area which is below the range established by the market, but above the sale price. Therefore, the Board finds the subject's market value is supported.

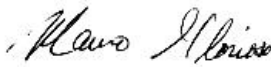
Finally, the Board finds the appellant submitted insufficient evidence to show that the subject was not fit for habitability during the lien year in question. The copy of the court order is indecipherable and the Board cannot determine what this document states. The appellant's affidavits attest that the subject was vacant in 2008 and 2009, however, there is no legible or dated evidence to show the subject was unfit for occupancy. The mere assertion of vacancy does not establish a reduced market value. Therefore, the Board finds the appellant did not meet its burden and a reduction in the assessment is not 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.

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.