



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

APPELLANT: Mahmoud Khalili
DOCKET NO.: 10-20173.001-R-1
PARCEL NO.: 12-13-412-028-0000

The parties of record before the Property Tax Appeal Board are Mahmoud Khalili, the appellant, by attorney Stephanie Park, of Park & Longstreet, P.C. in Rolling Meadows; 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: \$ 3,656
IMPR.: \$ 4,703
TOTAL: \$ 8,359

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 3,750 square foot parcel of land improved with a 71-year old, one-story, frame, single-family dwelling containing 632 square feet of living area. Amenities include: one full baths, a full basement, and a one and one-half car garage. The appellant argued that the fair market value of the subject was not accurately reflected in its assessed value as the basis of the appeal.

In support of the market value argument, the appellant submitted recent sale data on the subject as well as copies of a settlement statement, color photograph, and affidavit. The appellant's pleadings indicate: that the subject was purchased on November 3, 2009 for \$93,500 or \$147.94 per square foot of living area; that the sale was not between related parties; that the parties were represented by real estate brokers; and that

the property was not sold in settlement of foreclosure but as a contract for deed. Based upon this evidence, the appellant requested a reduction in valuation.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$17,364 was disclosed. The subject's final assessment reflects a fair market value of \$194,228 or \$307.32 per square foot of living area when the Illinois Department of Revenue's 2010 three-year median level of assessment of 8.94% for Cook County Class 2, residential property is applied.

In support of the subject's assessment, the board of review presented descriptions and assessment information on four properties suggested as comparable without elaboration on locational data. The properties are described as a one-story, single-family dwellings with frame, masonry, or frame and masonry exterior construction. The properties range: in building area from 56 to 84 years; in building size from 500 to 815 square feet of living area; and in improvement assessments from \$18.80 to \$28.03 per square foot of living area. The subject's improvement assessment is \$21.69 per square foot of living area.

In addition, the analysis stated that the properties sold from April to November, 2009, for prices that ranged from \$298.16 to \$353.95 per square foot of living area.

As to the subject, the board of review's submitted a brief stating that the purchase of the subject property was not at fair cash value, but was a compulsory sale under Illinois Law and the Property Tax Code. In support of this assertion, the brief stated that a search through the Cook County Recorder of Deeds database for public records relating to the transaction history of this property indicated: that in May, 2008, Bank of New York instituted foreclosure proceedings against the owners; that the foreclosure was completed and a judicial deed was assigned to a Kallen Realty Services by the bank in July, 2009; and that the first sale after the judgment of foreclosure was to taxpayer in October, 2009. Therefore, the board of review argued that this transaction history supports the assertion that this was a compulsory sale. In addition, a copy of the subject's property record card was submitted indicating that the owner/taxpayer resides at the subject's address. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant submitted a brief arguing that the subject's purchase was an arm's length transaction reflective of the market in contrast to the board of review's assertions. In support, the appellant's submitted descriptive and sales data on four suggested sale comparables. The properties were improved with one-story, single-family dwellings of either frame or frame and masonry exterior construction located within the subject's neighborhood. They ranged in age from 55 to 84 years and in building size from 764 to 842 square feet of living area. They sold from January, 2010, to June, 2011, for prices that ranged from \$104.71 to \$128.68 per square foot of living area. Further, the appellant's rebuttal submitted prior Board decisions relating to other subject properties and speaking to the issue of fair cash value.

After reviewing the record as well as considering the testimony and/or arguments, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

When overvaluation is claimed the appellant has the burden of proving the value of the property 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); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code 1910.65(c). Having considered the market value evidence presented, the Board concludes that this evidence indicates a reduction is 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 recent sale along with supporting sales comparables is the best evidence of market value.

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, and the Board shall consider the suggested sales submitted by both parties.

In totality, the parties submitted unadjusted data on eight sales which occurred from April, 2009, to June, 2011, for prices that ranged from \$104.71 to \$353.75 per square foot of living area. In comparison, the subject property's sale price reflects a market value of \$147.94 per square foot of living area which is within the range established by the parties' sale comparables. After considering adjustments and the differences in the comparables when compared to the subject, the Board finds the subject's sale price is supported and that a reduction is warranted to this owner-occupied residence. Therefore, the

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Board shall apply the 2010 three-year median level of assessment for class 2, residential property of 8.94% to the market value.

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

K. L. Fan

Mario Alvarez

Member

Member

JR

Jerry White

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: November 20, 2015

A. Proctor

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.