



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

APPELLANT: John Mork
DOCKET NO.: 10-24081.001-R-1
PARCEL NO.: 31-25-305-016-0000

The parties of record before the Property Tax Appeal Board are John Mork, the appellant(s), by attorney Ronald M. Justin, of RMR Property Tax Solutions in Hawthorn Woods; 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: \$ 2,160
IMPR.: \$ 11,020
TOTAL: \$ 13,180

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 multi-level dwelling of frame construction with 1,088 square feet of living area. The dwelling is 52 years old. Features of the home include a partial basement with a formal recreation room, central air conditioning, and a two-car garage. The property has a 7,200 square foot site, and is located in Park Forest, Rich Township, Cook County. The subject is classified as a class 2-34 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 completed certain portions of Section IV of the petition. The data on the petition indicated that the subject was purchased on February 12, 2009 for a price of \$35,000. The data indicated that the sale was not a transfer between related parties; that the property was advertised for sale; 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, a copy of the settlement statement was submitted. It indicated that the property was purchased by John W. Mork, while the seller was identified as "Residential Funding Company, LLC." The price was listed as \$35,000, or \$32.17 per square foot of living area, including land. 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 \$13,180. The subject's assessment reflects a market value of \$147,427, or \$135.50 per square foot of living area, including land, when applying the 2010 three year average median level of assessment for class 2 property 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 four equity comparables. In addition, the board of review submitted a one-page printout reflecting sales of class 2-34 residences in Rich Township, neighborhood 32226. This printout included 20 sales from 1992 to 2010, including the sales of the subject in September 1998 for \$92,000, and May 2006 for \$144,000. The printout does not list the sale of the subject in February 2009.

At hearing, Ronald Justin, counsel for the appellant, stated that he had no personal knowledge of whether the subject's sale was an arm's length transaction or the sale's specifics. He argued that a recent sale is the best evidence of market value. The board of review's representative rested on the evidence previously submitted. At the conclusion of the hearing, the Board's Administrative Law Judge ("ALJ") asked Mr. Justin to answer the following question: "Was the sale of the subject pursuant to a foreclosure, a short sale, or was it otherwise a

'compulsory sale' as that term is defined in the Property Tax Code?" The ALJ granted Mr. Justin two weeks to submit an answer to this question.

After two weeks, Mr. Justin submitted a spreadsheet to the ALJ. The Board notes that the spreadsheet contained information for other appeals that were set for hearing before the Board on the same day as the hearing for the subject. "Column A" of the spreadsheet listed the PIN, "column B" stated whether the subject was a compulsory sale or not, while "column C" stated the time the property was listed on the MLS. For the subject, column B said "Short Sale."

After receiving the spreadsheet, the Board issued a written Order (the "Order"). The Order, *inter alia*, excluded from the record all information in column C of the spreadsheet, as it was new evidence and not responsive to the ALJ's question at hearing regarding whether the sale of the subject was a compulsory sale. The Order also allowed the board of review two weeks to respond to the information contained in column B. The board of review did not submit anything in response to column B.

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.

The Board finds that the sale of the subject in February 2009 for \$35,000 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. The Board finds that the sale of the subject in April 2009 is a compulsory sale, in the form of a short sale, based on the appellant's admission in the spreadsheet submitted after hearing.

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 submitted by the parties to revise and/or correct the subject's assessment. However, the Board finds that there is no evidence in the record to contradict the fair market value of the subject's sale price.

However, 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

relevant 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 parties were and whether the parties were related. The seller was disclosed as an LLC, but there was no information provided indicating that the buyer was not related to this LLC. In addition, the appellant's petition failed to disclose whether the sale was in lieu of foreclosure or the time period within which the subject was advertised for sale on the open market, and later, the appellant admitted that the sale was a foreclosure. Further, the board of review's sales printout for the subject's township and neighborhood fails to indicate the subject's February 2009 sale. This absence taints the appellant's assertion that the 2009 sale was an arm's-length transaction. For these reasons, the Board finds that the appellant has not proven, by a preponderance of the evidence, that the sale of the subject in February 2009 for \$35,000 was an arm's-length transaction, and, therefore, 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

K. L. Fan

Klaus Albrecht

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: January 22, 2016

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.