



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

APPELLANT: Antoine Finley
DOCKET NO.: 10-26352.001-R-1
PARCEL NO.: 15-15-103-040-0000

The parties of record before the Property Tax Appeal Board are Antoine Finley, the appellant, 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: \$ 2,756
IMPR: \$ 0
TOTAL: \$ 2,756

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 finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a vacant, residential parcel of land totaling 4,410 square feet. The property is located in Proviso Township, Cook County. The subject is classified as a class 1, vacant land under the Cook County Real Property Assessment Classification Ordinance.

Procedurally, the Board notes that the appellant filed an appeal in this matter identifying attorney Ron Justin as the attorney of record. Thereafter, in November, 2012, the Board received a motion to substitute attorneys stating that attorney Ron Justin was withdrawing and that attorney Andrew Dziuk would be representing the appellant, which was solely signed by attorney Dziuk. However, 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 of Mr. Justin signed by the appellant, 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 the prior substitution of attorneys which had already been filed in this case. Within the allocated time period, the Board received a document from RMR Property Tax Solutions identified as a 'limited power of attorney' and stating that Ron Justin was hired as an attorney to represent the appellant at the Board's hearing. This document contained a signature of the appellant thereon.

The appellant's appeal is based on overvaluation. 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 December 12, 2007 for a price of \$17,500. 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 indicated that the property was purchased by Doowyam LLC, while the seller was identified as First National Acquisitions LLC. The price was listed as \$17,500. Page #2 of the document indicated that sales/broker's fees were paid to First National Acquisitions LLC

and The Waterworks Group. Page #3 of the document reflected the buyer's signature of 'Antoine Finley, Doowyam LLC, VP of Operations'. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

At hearing, Mr. Justin stated that he had no personal knowledge of whether the subject's sale was an arm's length transaction or the sale's specifics, but he asserted that the 2007 sale was within the three-year sales ratio study. He also stated that he believed that Mr. Finley was the sole owner of the LLC that purchased the subject property.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$2,756. The subject's assessment reflects a market value of \$27,560 or \$6.24 per square foot of living area, land included, when using the level of assessment for class 1, vacant land of 10% as determined by the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment, the board of review submitted descriptive and sales data on six suggested sale comparables as well as corresponding CoStar Comps service printouts for each property. These properties were all vacant land which ranged in size from 0.60 to 2.66 acres of land. They sold from January, 2005, to April, 2007, for prices that ranged from \$7.75 to \$61.22 per square foot.

At hearing, the board of review's representative rested on the written evidence submission, while asserting that the sale comparables support the subject's current market value. She testified that a property's sale could be the best evidence of market value unless that is a compulsory sale. Moreover, she testified that as to her personal knowledge that she investigated the subject's sale and that her results indicated that the subject's 2007 sale was a sale after an auction.

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 parties were and whether the parties were related. The only disclosure of the buyer is references to 'Doowyam LLC'. Further on this point, the statement submitted by the appellant indicated that the seller also received a broker's commission. There is neither information nor testimony to clarify whether the corporations were the same, related or unrelated. 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 market. Lastly, the Board accords less weight to the subject's sale due to the disparity in time from the date of purchase to the assessment date at issue. The subject was purchased in December, 2007, which is approximately three years from the assessment date at issue, while no adjustments were made for the real estate market decline in 2008.

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 evidence submission and hearing testimony.

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 suggested sales data to support that the subject's sale was at market.

In totality, the board of review submitted unadjusted, sales data on six sales. The Board finds these sales relevant. They sold from January, 2005, to April, 2007, for prices that ranged from \$7.75 to \$61.22 per square foot. In comparison, the subject property's current assessment reflects a market value of \$27,560 or \$6.24 per square foot which is below the range established by the sale comparables and no reduction is warranted, even after adjustments to the sale comparables.

Moreover, considering the subject's compulsory sale price of \$17,500 in December, 2007, 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. Therefore, the Board finds that this

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sale is not an accurate reflection of the 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.

Chairman



Member

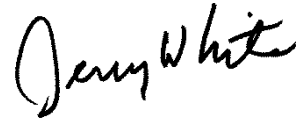


Member



Acting Member

Member



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



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.