



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

APPELLANT: Julie Ojeda  
DOCKET NO.: 10-28205.001-R-1  
PARCEL NO.: 32-29-220-008-0000

The parties of record before the Property Tax Appeal Board are Julie Ojeda, 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 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:** \$ 1,705  
**IMPR.:** \$ 4,686  
**TOTAL:** \$ 6,391

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 6,200 square foot parcel of land improved with a 79-year old, one-story, masonry, single-family dwelling containing 928 square feet of living area. Amenities include: one full bath and a full basement. 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.

On a procedural note, even though both parties' pleadings reflect a request for hearing, the parties jointly agreed to waive those rights in an e-mail to the Board, which was included in this record.

In support of the market value argument, the appellant submitted recent sale data on the subject as well as copies of a settlement statement, a photograph and an affidavit. The appellant's pleadings indicate: that the subject was purchased on December 4, 2008 for \$31,500 or \$33.94 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. The pleadings also indicated that needed renovations totaling \$5,000 were undertaken with the building being occupied in February, 2009. 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 \$6,391 was disclosed. The subject's final assessment reflects a fair market value of \$71,488 or \$77.03 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 located within one quarter of a mile's radius from the subject. The properties are described as a one-story or one and one-half story, single-family dwellings with masonry exterior construction. The properties range: in building area from 60 to 84 years; in building size from 811 to 939 square feet of living area; and in improvement assessments from \$6.08 to \$6.95 per square foot of living area. The subject's improvement assessment is \$5.05 per square foot of living area.

As to the market value argument, the board of review presented descriptions, assessment, and sales data on four different properties suggested as comparable. The properties are described as a one-story or one and one-half story, single-family dwellings with frame exterior construction. The properties range: in building area from 52 to 100 years; in building size from 704 to 922 square feet of living area; and in improvement assessments from \$7.30 to \$9.61 per square foot of living area. These properties sold from May, 2008, to July, 2010, for prices that ranged from \$73.75 to \$127.84 per square foot of living area. Printouts from the Cook County Recorder of Deeds office were submitted in support of these sales.

As to the subject, the board of review 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, a copy of the printout from the Cook County Recorder of Deeds office was attached as Exhibit A. The brief stated that a search through the Cook County Recorder of Deeds database for public records relating to the transaction history of the subject property indicated: that at the end of 2007 *lis pendens* were placed on the subject by Wells Fargo and Washington Mutual Banks; that the Judicial Sales Corporation then granted the subject to Federal Home Loan Mortgage Corporation in April, 2008; and that the property was then conveyed to the appellant in December, 2008, in a cash sale. Therefore, the board of review argued that this transaction history supports the assertion that this was a compulsory sale. 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 attorney submitted copies of several Board decisions relating to recent sales where assertions of foreclosure or compulsory sales were made at hearing. Further, a copy of Public Act 096-1083 was submitted. The appellant argues that the mere assertion that the nature of a transaction is not arm's length is insufficient to refute the arm's length nature of a real estate purchase.

After reviewing the record as well as considering the 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 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2<sup>nd</sup> 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 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 board of review's sales data 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 the board of review. The appellant did not proffer any sales data in support of the subject's 2008 purchase as being reflective of the market in the 2010 tax year at issue. The Board finds that the present case is distinguishable from the appellant's sited cases where there was an absence of evidence or testimony by the party asserting a compulsory sale argument. In the present case, the board of review submitted market data along with supporting evidence to buttress a compulsory sale argument indicating that the subject's 2008 purchase was not reflective of the market in the 2010 lien year at issue.

The record reflects that the board of review submitted unadjusted data on four sales which occurred from May, 2008, to July, 2010, for prices that ranged from \$73.75 to \$127.84 per square foot of living area. In comparison, the subject property's 2008 sale price including renovation costs reflects a market value of \$39.33 per square foot of living area which is below the range established by the 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 not supported and that a reduction is not warranted to the subject.

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



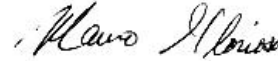
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DISSENTING: \_\_\_\_\_

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: March 18, 2016



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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.