



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

APPELLANT: Antoine Finley
DOCKET NO.: 10-32304.001-R-1
PARCEL NO.: 16-11-200-015-0000

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: \$ 4,998
IMPR.: \$ 19,782
TOTAL: \$ 24,780

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 3,570 square foot land parcel improved with a 101-year old, two-story, masonry, multi-family dwelling. The building contains three apartments and 2,200 square feet of living area. The property is located in West Chicago Township, Cook County. The subject is classified as a

class 2, residential property 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. At hearing, attorney Ron Justin appeared verbally indicating that he was representing the appellant and stating that he had left his prior agency's affiliation where his office had been previously located. 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.

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 attorney Justin's verbal statements that he had left his prior agency. 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. The data on the petition indicated that the subject was purchased on May 8, 2009 for a price of \$37,275. 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 Dooyam LLC, while the seller was identified as Federal Home Loan Mortgage Corporation. The price was listed as \$37,275. Page #2 of the document indicated that multiple broker's fees were paid. Page #3 of the document reflected the buyer's signature of 'Antoine Finley, Dooyam LLC'. 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.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$24,780. The subject's assessment reflects a market value of \$277,181 or \$125.99 per square foot of living area, land included, when using the 2010 median level of assessment for class 2, residential 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 descriptive and assessment data on four suggested equity comparables as well as corresponding property characteristic printouts for each property. In addition, the board of review included a printout entitled: class 11 sales with from two to four apartments, over 48 years in age for the subject's neighborhood. These 11 properties sold from 1996 to 2010 for prices that ranged from \$9,500 to \$365,000. The data included the subject's sale in November, 2006, for a value of \$300,000 with no reference for the 2009 sale.

At hearing, the board of review's representative rested on the written evidence submission, while asserting that the subject's sale was a compulsory sale, while referring to the Property Tax Code regarding compulsory sales.

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, 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 absence of this 2009 sale on the county's printout of sales within the subject's neighborhood. The printout reflects other 2009 or 2010 sales, but the last sale identified for the subject was in November, 2006, for \$300,000.

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 submissions.

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:

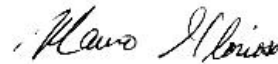
The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.

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 the board of review in this case for the appellant failed to submit any suggested sales data to support that the subject's 2009 sale was at market.

In totality, the board of review submitted unadjusted, sales data on 10 sales. However, the Board finds three of these sales most relevant. They sold from February, 2008, to January, 2010, for prices that ranged from \$9,500 to \$355,000. In comparison, the subject property's current assessment reflects a market value of \$277,181 which is within the range established by the sale comparables and no reduction is warranted, even after adjustments to the sale comparables.

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

Acting 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.