



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

APPELLANT: Nathan Beu
DOCKET NO.: 11-21635.001-R-1
PARCEL NO.: 14-18-110-013-0000

The parties of record before the Property Tax Appeal Board are Nathan Beu, the appellant, by attorney Abby L. Strauss, of Schiller Klein PC in Chicago; 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: \$ 11,400
IMPR.: \$ 18,968
TOTAL: \$ 30,368

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 2011 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 is a 106 year-old, one and one-half-story dwelling of frame construction. The parties differed as to how many square feet are contained in the dwelling. Features of the home include a full unfinished basement and a two-car garage. The property has a 3,000 square foot site and is located in Lake View Township, Cook County. The property is a Class 2-03 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 submitted a settlement statement disclosing the subject property was purchased on October 28, 2011 for a price of \$320,000. In support of this recent sale, the appellant submitted a copy of the real estate contract disclosing that the subject was a short sale and sold in an "as is" condition. The appellant also submitted an appraisal estimating the subject property had a market value of \$320,000 as of September 29, 2011. The appraisal disclosed that the subject was under contract to be sold in a short sale and that the dwelling contained 1,778 square feet of living area. The appraisal included a sketch of the interior of the dwelling with area dimension calculations, and a statement that the appraisal was made from an inspection of the subject's interior. 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 \$41,954. The subject's assessment reflects a market value of \$442,086 or \$301.97 per square foot of living area, when using the board of review's indicated size of 1,464 square feet and when using the 2011 three-year average median level of assessment of 9.49% for Class 2 property 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 unadjusted suggested comparable 2010 sales. The board of review also submitted a brief arguing that the sale of the subject was compulsory and, therefore, not at arm's-length. Appended to the brief was a print-out from the Cook County Recorder of Deeds website, commonly known as a deed trail, disclosing the recording of the following documents: 1) *lis pendens* notice of foreclosure against grantee Mario Mendoza recorded on June 16, 2011; 2) an assignment of mortgage from grantor Mortgage Electronic Registration Systems LLC to grantee Nationstar Mortgage LLC recorded on June 24, 2011; 3) Warranty Deed from grantor Mario Mendoza to grantee Nathan Beu recorded on December 14, 2011. The board of review also appended a copy of the Notice of Foreclosure filed by plaintiff Nationstar Mortgage LLC against defendant Mario Mendoza disclosing the common street address of the subject.

In rebuttal, the appellant argued that the board of review submitted unadjusted data of comparable properties dissimilar to the subject. The appellant reaffirmed the request for an assessment reduction.

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 has met this burden of proof and a reduction in the subject's assessment is warranted.

In addressing the appellant's market value argument based on the recent sale, the Board finds that the sale of the subject in October 2011 for \$320,000 is 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. 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.

Bd. of Educ. of Meridian Cmty. Unit Sch. Dist. No. 223 v. Ill. Prop. Tax Appeal Bd., 961 N.E. 2d 794, 802 (2d Dist. 2011) (citing Chrysler Corp. v. Ill. Prop. Tax Appeal Bd., 69 Ill. App. 3d 207, 211 (2d Dist. 1979)).

However, when there is a recent sale of the subject, and that sale is a compulsory sale, the Board may consider evidence which would show whether the sale price was representative of the subject's fair cash value. The appellant's evidence did not dispute that the sale was a short sale and therefore, a compulsory sale. Moreover, the board of review submitted sale comparables. These comparables contained property characteristics similar to the subject's and sold for prices ranging from \$427.73 to \$551.07 per square foot of living area, including land. For the purposes of this appeal, the Board finds the dwelling contained 1,778 square feet of living area, per the appraisal. The subject's assessment reflects a market value of \$301.97 per square foot of living area including land, which is below the range established by the best comparable sales in this record. Nevertheless, the appraisal submitted by the appellant is additional supporting evidence that the sale price of the subject was at its fair cash value. The appraisal was based on the adjusted recent sales of properties similar to the subject. The

appraiser opined that the subject's market value was \$320,000 as of September 2011. In contrast, the four sale comparables submitted by the board of review were from 2009 through 2010 and were based on raw, unadjusted data.

Therefore, the Board finds the subject property had a market value of \$320,000 as of the assessment date at issue. Since market value has been established, the 2011 three-year average median level of assessment of 9.49% for Class 2 property as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(2)).

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



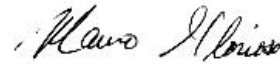
Member



Member



Member



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: March 18, 2016



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.