



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

APPELLANT: Rudolph Luciani  
DOCKET NO.: 11-21637.001-R-1  
PARCEL NO.: 14-05-401-009-0000

The parties of record before the Property Tax Appeal Board are Rudolph Luciani, the appellant, by attorney Leonard Schiller, of Schiller Strauss & Lavin PC in Chicago; 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:** \$ 13,500  
**IMPR.:** \$ 32,713  
**TOTAL:** \$ 46,213

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 105 year-old, two-story dwelling of frame construction containing 2,098 square feet of living area. Features of the home include a full unfinished basement and a two-car garage. The property has a 3,750 square foot site and is located in Lake View Township, Cook County. The property is a Class 2-05 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 from seller Fannie

Mae a/k/a Federal National Mortgage Association on April 8, 2011 for a price of \$325,000, and an affidavit of the property owner filed in the board of review stating that he noticed that the property was listed for sale on Redfin.com. The appellant also disclosed in Section IV - Recent Sale Data of the Residential Appeal that the subject was purchased as a foreclosure from Fannie Mae, that the sale was not a transaction between related parties, and that the subject was purchased through a realtor and was advertised on the Multiple Listing Service for 40 days. 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 \$46,213. The subject's assessment reflects a market value of \$486,965 or \$232.11 per square foot of living area, when using the board of review's indicated size of 2,098 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 sales from 2009 through 2010. 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 Candance [sic] Sullivan recorded on December 29, 2009; 2) a Warranty Deed from grantor Candace Sullivan to grantee Federal National Mortgage Association recorded on July 26, 2010; 3) a Release from grantor Bank of America to grantee Candace Sullivan recorded on July 26, 2010; 4) a Special Warranty Deed from grantor Fannie Mae to grantee Rudolph Luciani recorded on April 25, 2011. The board of review also appended copies of the Notice of Foreclosure filed by plaintiff Bank of America against defendant Candace Sullivan and of the Warranty Deed in Lieu of Foreclosure from grantor Candace Sullivan to grantee Federal National Mortgage Association, each document 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 not met this burden of proof and a reduction in the subject's assessment is not warranted.

In addressing the appellant's market value argument based on the recent sale, the Board finds that the sale of the subject in April 2011 for \$325,000 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 compulsory sale. Moreover, the board of review submitted sales comparables. These comparables contained property characteristics similar to the subject's and sold for prices ranging from \$286.84 to \$353.64 per square foot of living area, including land. The subject's assessment reflects a market value of \$232.11 per square foot of living area including land, which is below the range established by the best comparable sales in this record. Since there is no supporting evidence that the sale price of the subject was at its fair cash value, the Board finds that the subject is not overvalued and holds that 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.

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Chairman



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Member



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Member



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Member



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Member



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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



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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.