



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

APPELLANT: Marla Mian
DOCKET NO.: 12-23948.001-R-1
PARCEL NO.: 05-32-310-055-0000

The parties of record before the Property Tax Appeal Board are Marla Mian, 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: \$ 8,172
IMPR.: \$ 23,408
TOTAL: \$ 31,580

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 2012 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 54 year-old, one-story dwelling of masonry construction containing 1,395 square feet of living area. Features of the home include a full finished basement and central air conditioning. The property has a 8,382 square foot site and is located in New Trier 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 settlement statement disclosing the subject property was purchased through a realtor

by the appellant on November 30, 2011 from seller Daniel Woo for a price of \$240,000. The appellant also submitted a Warranty Deed, Bill of Sale, and partial information in Section IV - Recent Sale Data of the Residential Appeal that the subject was sold by the owner. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price when using the 2012 three-year average median level of assessment for Class 2 property as determined by the Illinois Department of Revenue.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$31,580. The subject's assessment reflects a market value of \$325,903 or \$233.62 per square foot of living area, when using the board of review's indicated size of 1,395 square feet and when using the 2012 three-year average median level of assessment of 9.69% for Class 2 property as determined by the Illinois Department of Revenue. The subject's sale price of \$240,000 reflects a market value of \$172.04 per square foot of living area including land.

In support of its contention of the correct assessment, the board of review submitted information on four suggested comparable sales that sold from January 2011 through November 2011 for prices that ranged from \$236.40 to \$341.93 per square foot of living area including land. The board of review also submitted a brief arguing the subject was not sold in an arm's-length transaction and was, therefore, a compulsory sale. The board of review attached to its brief a print-out from the Cook County Recorder of Deeds website, commonly known as a "deed trail," and the following documents that were recorded against the subject: 1) Mortgage from grantor Daniel Woo to grantee Wells Fargo Bank on May 5, 2008; 2) a *lis pendens* notice and Notice of Foreclosure by Wells Fargo Bank against Daniel Woo on July 6, 2011; 3) Warranty Deed from grantor Daniel Woo to grantee Zia Mian on December 5, 2011; 4) a Release from grantor Wells Fargo Bank to grantee Daniel Woo on December 23, 2011; 5) a print-out from Redfin.com real estate website disclosing the subject was offered as a short sale.

In rebuttal, the appellant argued that the comparables submitted as evidence by the board of review should be given diminished weight because they were dissimilar to the subject in various key property characteristics. 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, the Board finds that the sale of the subject in November 2011 for \$240,000 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. See 35 ILCS 200/16-183. The appellant's evidence did not dispute that the sale was a short sale and therefore, a compulsory sale. In this case, the appellant did not submit additional sale comparables to show that the sale of the subject in November 2011 for \$240,000 was at its fair cash value. Moreover, the board of review submitted sale comparables. These comparables contained property characteristics similar to the subject's and sold for prices ranging from \$236.40 to \$341.93 per square foot of living area, including land. The subject's assessment reflects a market value of \$233.62 per square foot of living area including land, which is below the range established by the best comparable sales in this record. Further, the board of review's sale comparables establish that the subject's purchase price was below its fair cash value. 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.

Mario Alvares

Chairman

DR

Member

Member

Robert Hoffmann

Member

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: May 20, 2016

A. Heston

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.