



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

APPELLANT: Marek Chaj
DOCKET NO.: 12-24202.001-R-1
PARCEL NO.: 09-13-120-036-0000

The parties of record before the Property Tax Appeal Board are Marek Chaj, the appellant, by attorney Scott Shudnow, of Shudnow & Shudnow, Ltd. 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: \$ 5,265
IMPR.: \$17,410
TOTAL: \$22,675

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 47 year-old, two-story dwelling of frame and masonry construction containing 2,201 square feet of living area. Features of the home include a full finished basement, air conditioning and a one and one-half-car garage. The property has a 7,800 square foot site and is located in Maine Township, Cook County. The property is a class 2-78 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 Federal Home Loan Mortgage Corporation on May 27, 2011 for a price of \$231,000. The appellant also submitted a Multiple Listing Service information sheet disclosing the subject was sold as "pre-foreclosure" property, full information in Section IV – Recent Sale Data of the Residential Appeal that the subject was purchased through a realtor, was advertised for sale on the Multiple Listing Service for 113 days, was not a transfer between related parties and was a foreclosure. The appellant also submitted an appraisal estimating the market value of the subject at \$234,000 as of May 17, 2011. The appraisal disclosed the subject was vacant. 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 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 \$26,000. The subject's assessment reflects a market value of \$268,318 when using the 2012 three-year median level of assessment of 9.69% 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 and on the May 2011 sale of the subject for the price of \$231,000.

In rebuttal, the appellant argued that the Board should reduce the assessment for 2012 pursuant to Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) because: 1) the Board issued a decision in 11-21992.001-R-1 that reduced the assessment for 2011; 2) 2011 and 2012 are in the same general assessment period; and 3) the subject was occupied by the owner. 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.

The Board finds no evidence in the record to support the appellant's contention that the subject was occupied by the owner in 2012. Indeed, the appellant's appraisal disclosed the subject was vacant. There is no additional information from either party indicating whether the subject was occupied by anyone, least of all the owner, in 2012. Therefore, the Board does not apply Section 16-185 of the Property Tax Code to this 2012 appeal.

In addressing the appellant's market value argument, the Board finds that the sale of the subject in May 2011 for \$231,000 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 was a recent sale of the subject, and that sale was compulsory, the Board may consider other evidence which would show whether the sale price was representative of the subject's fair cash value. *See* 35 ILCS 200/16-183. In determining the fair market value of the subject property, the Board looks to the evidence presented by the parties. Although the appellant's recent sale appears to have been a compulsory sale, it does reflect the fair market value based the appellant's appraisal estimate of the subject's market value at \$234,000. Therefore, even though the Board declines to reduce the 2012 assessment by applying Section 16-185 of the Property Tax Code, the Board finds the best evidence of market value to be the appraisal submitted by the appellant. The Board finds the subject property had a market value of \$234,000 as of the assessment date at issue. Since market value has been established, the 2012 three-year average median level of assessment of 9.69% for Class 2 property as determined by the Illinois Department of Revenue shall apply, in accord with the appellant's request. (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

DISSENTING: _____

CERTIFICATION

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



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.