



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

APPELLANT: Magdalena Pohl  
DOCKET NO.: 12-27762.001-R-1  
PARCEL NO.: 13-26-208-032-0000

The parties of record before the Property Tax Appeal Board are Magdalena Pohl, the appellant; 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:** \$ 4,953  
**IMPR:** \$ 27,993  
**TOTAL:** \$ 32,946

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 consists of one parcel of land containing 4,128 square feet of area, improved with two improvements. Improvement #1 is a 104-year old, two-story, frame, multi-family dwelling and is classified as class 2-11 property as defined by

Cook County's Real Property Assessment Classification Ordinance. Features include two full baths and five bedrooms. Additionally, Improvement #1 has a finished basement containing 1,130 square feet of area, with one full bath and three bedrooms. The basement was excluded from the total square footage of living area. Improvement #2 is a 104-year old, two-story, frame, multi-family dwelling containing 1,280 square feet of living area. It is classified as class 2-11 property as defined by Cook County's Real Property Assessment Classification Ordinance. Features include two full baths and four bedrooms.

In support of the market value argument, the appellant submitted a residential appraisal report for the subject property with an effective date of January 24, 2012. The appraiser estimated a fair market value for the subject of \$160,000 based on the sales comparison approach to value. The appraiser also conducted an inspection of the subject and determined that the subject contains an aggregate square footage for both the front dwelling and the coach house of 3,538 square feet of above-ground living area. The appraisal valued the subject property as a four-unit building with no breakdown for the front dwelling and the coach house. The appellant argued that the fair market value of the subject property was not accurately reflected in its assessed value as the basis of this appeal.

Under the sales comparison approach, the appraiser analyzed the sales of three multi-family buildings located within the subject's market. All three comparables were identified as short sales, with no adjustments made for conditions of sale. The properties contain between 2,840 and 3,200 square feet of building area. The comparables sold from August 2011 to November 2011 for prices ranging from \$100,000 to \$190,000, or from \$31.25 to \$66.90 per square foot of building area, including land. The appraiser adjusted each of the comparables for pertinent factors, with comparable #3 receiving a 25.8% gross adjustment. Moreover, none of the appraiser's comparable properties had a coach house as does the subject. Based on the similarities and differences of the comparables when compared to the subject, the appraiser estimated a value for the subject under the sales comparison approach of \$45.22 per square foot of building area, including land or \$160,000, rounded. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The Cook County Board of Review submitted its "Board of Review-Notes on Appeal," wherein the subject's total assessment of \$49,155 was disclosed. This assessment reflects a fair market

value of \$507,276 after applying the 2012 Illinois Department of Revenue three year median level of assessment for Class 2 property of 9.69%.

In support of the subject's assessment, the board of review submitted descriptive and assessment information for three properties suggested as comparable to each of the two improvements. The board of review did not provide an assessment breakdown for Improvement #1 and Improvement #2. Based on this evidence, the board of review requested confirmation of the subject's assessment.

**Conclusion of Law**

When overvaluation is claimed, the appellant has the burden of proving the value of the property by a preponderance of the evidence. Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 339 Ill. App. 3d 529, 545 (1st Dist. 2002); National City Bank of Michigan/Illinois v. Prop. Tax Appeal Bd., 331 Ill. App. 3d 1038, 1042 (3d Dist. 2002) (citing Winnebago Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 313 Ill. App. 3d 179 (2d Dist. 2000)); 86 Ill. Admin. Code § 1910.63(e). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. Calumet Transfer, LLC v. Prop. Tax Appeal Bd., 401 Ill. App. 3d 652, 655 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(c). Having considered the evidence presented, the Board finds that the evidence indicates a reduction is warranted.

In determining the fair market value of the subject property, the Board gives little weight to the appellant's appraisal's conclusion of value as none of the suggested comparables properties contained coach house structures, as does the subject. The appraiser appraised the subject property as if it were one structure, combining the square footage of Improvement #1 and Improvement #2.

The Board will, however, examine the sale comparables contained in the appraisal. The appraiser indicated that all three of the sale comparables were compulsory sales. 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 submitted by the parties to revise and/or correct the subject's assessment.

In the instant case, the appraiser provided sales evidence of three suggested comparable properties, none of which contained coach houses. Additionally, none of the comparables contained basements with finished apartments. The appraiser also made a large gross adjustment of 25.8% to comparable #3. The Board notes that these are the only sale comparables contained in the record. These properties are similar to the subject property in location and age, however, the comparables do not have coach houses or a finished basement apartment. These unadjusted sale comparables range in value from \$31.25 to \$66.90 per square foot, including land. The subject's current assessment reflects a market value of \$143.37 per square foot, including land, which is above the range of the only comparables contained in the record. After making adjustments to these comparables for similarities and differences as compared to the subject property, the Board finds that the appellant did submit sufficient evidence to show the subject was overvalued. As such, the Board finds that the appellant has met its burden by a

preponderance of the evidence and that the subject does warrant a reduction based upon the market data submitted into evidence.

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

*K. L. Ferr*

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Member

*JR*

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Member

*Mark Albino*

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Member

*Jerry White*

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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: September 18, 2015

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*A. Portol*

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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.