



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

APPELLANT: Glensaul, LLC  
DOCKET NO.: 12-28221.001-R-1  
PARCEL NO.: 16-04-128-008-0000

The parties of record before the Property Tax Appeal Board are Glensaul, LLC, the appellant(s), by attorney Kevin P. Burke, of Smith Hemmesch Burke & Kaczynski in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented in this matter, 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:** \$ 3,969  
**IMPR.:** \$ 7,789  
**TOTAL:** \$11,758

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 a two-story, eight-unit residential building built in 1925 with 5,204 square feet of living area. The property has a 4,812 square foot site and is located in Lake Township, Cook County. The property is a class 3 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 evidence disclosing the subject property was purchased on March 30, 2010 for a price of \$117,576. Based on this evidence, the appellant requested a reduction in the subject's assessment to 10% of the market value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$28,800. The subject's assessment reflects a market value of

\$288,000 or \$55.34 per square foot of building area when using the 2011 statutory level of assessments for class 3 property of 10% under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment the board of review submitted information on five suggested sales comparables.

In written rebuttal, appellant's attorney argued the board of review did not make adjustments to the suggested sales comparables. In addition, appellant's attorney distinguished the board of review's comparables from the subject property based on sale date and proximity.

At hearing, appellant's attorney introduced as a witness Mr. James Ronan. Mr. Ronan testified that he is the owner of the subject property through Glensaul, LLC, which is a limited liability company owned jointly by Mr. Ronan and his brother. He testified that the subject property was purchased from First Midwest Bank after being advertised for sale on the open market. Mr. Ronan also testified that real estate brokers were used to facilitate the transaction and the subject property was in very bad condition and needed a lot of work at the time of purchase. Mr. Ronan testified that he sold the subject in December 2013 for \$144,000 after spending about \$120,000 fixing the property. Finally, Mr. Ronan testified that he filed an appeal for the 2010 lien date and the Property Tax Appeal Board granted a reduction to the 2010 sale price.

In response, the board of review argued the appellant failed to submit any evidence showing that the subject was advertised on the open market. The board of review also argued that the subject's 2010 sale was compulsory and therefore not reflective of the market value. Finally, the board of review argued the appellant failed to complete Section IV of the appeal application. On redirect, Mr. Ronan testified that the board of review's suggested comparables #1, #3, and #4, are located in different areas than the subject property. Appellant's counsel also argued the subject's sale is conclusive evidence of market value. Finally, counsel introduced into evidence "Appellant's Hearing Memorandum," arguing that Illinois law requires PTAB to accept evidence of foreclosure sales to establish the fair market value of the property.

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

In determining the fair market value of the subject property, the Board looks to the evidence presented by the parties. Based on the evidence presented, the recent sale is found to be 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.

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 which were submitted by the parties. In considering the compulsory sale of the subject property, the Board looks to both the appellant's evidence and the board of review's comparables. The Board finds that the appellant failed to submit any comparable properties and the board of review submitted four comparable properties. The Board finds that the subject's 2010 sale at \$22.59 per square foot of building area falls below the recent sales comparables in the record. However, the Board finds that based on the appellant's testimony regarding the condition of the subject property, an assessed value below the sales comparables is justified. A reduction in the assessed value is also supported by the subsequent sale in 2013. Therefore, the Board finds the subject's 2010 sale is reflective of the market value based on the condition of the property and a reduction in the subject's assessment is justified.

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



Acting 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: January 27, 2017



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.