



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

APPELLANT: Kristen Schemmerhorn
DOCKET NO.: 12-31128.001-R-1
PARCEL NO.: 13-24-322-001-0000

The parties of record before the Property Tax Appeal Board are Kristen Schemmerhorn, the appellant; 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: \$ 4,069
IMPR.: \$14,943
TOTAL: \$19,012**

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 an 85 year-old, one-story dwelling of masonry construction containing 931 square feet of living area. The property has a 2,261 square foot site and is located in Jefferson Township, Cook County. The subject is classified as a

class 2-02 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 was purchased on February 10, 2012 for a price of \$140,000. The appellant also provided information in Section IV-Recent Sale Data of the Residential Appeal that the subject was advertised on the Multiple Listing Service (hereinafter, "MLS") by a realtor for 20 days, that it was sold by a realtor and that the sale was not a transfer between family or related corporations. No further information was submitted. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$19,012. The subject's assessment reflects a market value of \$198,042 or \$212.72 per square foot of living area, when using the board of review's indicated size of 931 square feet and applying 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 suggested sale comparables. The board of review also submitted a brief arguing the subject's sale was compulsory and, as a result, not at fair cash value. The board of review attached to the brief a print-out from the Cook County Recorder of Deeds disclosing the following documents were recorded against the subject: 1) a *lis pendens* notice and Notice of Foreclosure were recorded on September 7, 2011 by Deutsche Bank National Trust Company against Philip Perez; 2) a Warranty Deed was recorded on February 14, 2012 by grantor Philip Perez to grantee Kristen Schemmerhorn. Copies of the *Lis Pendens* and Notice of Foreclosure against Philip Perez, Warranty Deed from grantor Philip Perez to grantee Kristen Schemmerhorn, and the listing sheet from the MLS were also attached to the brief. The MLS sheet disclosed that the subject was advertised as a short sale.

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 did not meet 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 February 2012 for \$140,000 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. In this case, the appellant did not submit additional sale comparables to show that the short sale of the subject in February 2012 for \$140,000 was at its fair cash value. In contrast, the board of review submitted four sale comparables that were similar to the subject in location, style, construction, features, age, living area and land area.

These properties also sold proximately in time to the assessment date at issue. The comparables sold for prices ranging from \$257.58 to \$342.86 per square foot of living area, including land. The subject's assessment reflects a market value of \$212.72 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.

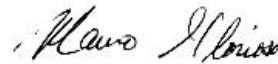
Chairman



Member



Member



Member



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



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.