



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

APPELLANT: Agnes Jastrzebski  
DOCKET NO.: 12-33146.001-R-1 through 12-33146.005-R-1  
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Agnes Jastrzebski, the appellant, by attorney Niko G. Marneris, of the Law Offices of Niko G. Marneris in Palos Hills; 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:

<b>DOCKET NO</b>	<b>PARCEL NUMBER</b>	<b>LAND</b>	<b>IMPRVMT</b>	<b>TOTAL</b>
12-33146.001-R-1	24-18-222-009-1004	533	3,417	\$3,950
12-33146.002-R-1	24-18-222-009-1005	533	3,417	\$3,950
12-33146.003-R-1	24-18-222-009-1006	533	3,417	\$3,950
12-33146.004-R-1	24-18-222-009-1007	533	3,417	\$3,950
12-33146.005-R-1	24-18-222-009-1009	533	3,417	\$3,950

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 five units within a three-story dwelling of masonry construction with a total of 12 units. The property is located in Worth Township, Cook County. The subject is classified as a class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted 12 suggested comparables contained within two grid analysis. Comparables one through eight were in the Comparative Market Analysis (CMA). The comparables sold from \$22,199 to \$29,750 with limited descriptive data.

Comparables nine through 12 were on a second grid sheet reflecting location within a one block radius of the subject. They ranged in age from 39 to 44 years and contained 800 square feet of living area. They sold from July to September, 2012 for values ranging from \$35,000 to \$40,250. Appellant's comparables grid reflects a different address for the subject and a different order of comparables than the ones in the possession of the board of review or the appellant. Both parties were informed about the differences in the order of comparables and made aware that the Board's copy will be controlling.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for each of units #4, #5, #7, and #9 of \$8,995 and a total assessment for unit #6 of \$8,974. The subject's assessment reflects a market value for each of units #4, #5, #7, and #9 of \$92,828 and for unit #6 \$92,611 when applying the 2012 three year median level of assessment for class 2 property of 9.69% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted an analysis estimating the market value of the subject units based on the sale of two units within the same building in 2008. Based on those two sales, the board of review estimated the market value of the entire subject building and after making adjustments for a 15% personal property deduction estimated the market value for each unit based on the percentage of ownership.

At hearing, appellant's counsel argued that the board of review's sales comparables should not be given any weight because they took place four years prior to the lien year. Counsel argued that the comparables submitted by the appellant are the better evidence of market value because they took place closer to the lien year and are identical to the subject units.

The board of review argued that the CMA submitted by the appellant should not be given any weight because it was prepared by the appellant who was not qualified as an expert. The board of review also argued that the appellant's comparables eight through 11 are not located in the subject building and should not be given any weight. Upon questioning, the board of review's representative could not identify any authority for giving a 15% personal property deduction to the sale price of the board of review's comparables.

Appellant testified that she is a licensed real estate managing broker and has personally picked the comparable properties and performed the CMA. Appellant further testified that the comparable properties she picked were in close proximity and similar to the subject property. The appellant testified that comparables eight through 12 are located in a building next door to the subject that is identical in all respects to the subject building and each comparable unit has the same square footage and number of bedrooms as the subject's units. The appellant submitted Hearing Exhibit #1 as evidence that the buildings are identical. Hearing Exhibit #1 contains nine pages with Multiple Listing Service (MLS) printouts of appellant's comparables and it depicts identical buildings in the same complex with identical amenities. There were also multiple photos on each page depicting identical buildings.

In response, the board of review representative argued that foreclosure sales should not be given any weight. In support, the board of review submitted Hearing Exhibit #2, which is a memorandum discussing the Illinois Condominium Property Act. Moreover, the board of review submitted into evidence Hearing Exhibit #3, which is the deed trail for appellant's comparable #12. The board of review representative argued that the deed trail shows that appellant's comparable #12 is a foreclosure and should not be given any weight.

#### **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.

The Board gives no weight to the conclusions of value in the CMA prepared by the appellant because it is a compilation of unadjusted sales data. However, the Board will consider the raw sales data submitted by the appellant.

The Board finds that the board of review failed to provide any evidence justifying the 15% personal property deduction. In addition, the Board gives no weight to the 2008 sales of comparable properties because they occurred four years prior to the 2012 lien date and are not reflective of the 2012 market for this subject. The board of review presented no evidence showing the correlation between the market when their properties sold and the 2008 market in 2012, which is at issue.

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

the deed trail submitted by the board of review, the appellant's comparable #4 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. The Board looks to both the appellant's evidence and the board of review's comparables. The Board finds the best evidence of market value to be appellant's comparable sales. The Board accords diminished weight to the two board of review sales due to the disparity in time of sale compared to the 2012 lien year at issue. After making adjustments for pertinent factors to the appellant's sales, the Board finds a reduction in the subject's assessment to the amount requested by the appellant 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.

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Chairman



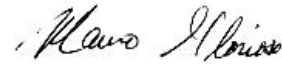
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DISSENTING: \_\_\_\_\_

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: November 20, 2015



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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.